

Docket No.: AR - 61  
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of: Jeff EDER

Application No.: 10/743,616

Confirmation No: 8217

Art Unit: 3692

Examiner: Jennifer Liversedge

Filed: December 22, 2003

For: Performance management platform

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**LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir or Madam:

Under the provisions of MPEP § 2001.06(b), material from co-pending U.S. Patent Applications has been attached hereto as it may be related to the patentability of the above referenced application.

Dated: June 4, 2008

Respectfully submitted,  
Asset Trust, Inc.

/B.J. Bennett/

B.J. Bennett, President

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Pages 18 – 22	02/20/2007 Office Action for 08/999,245
Pages 23 – 30	09/10/2007 Office Action for 08/999,245
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Pages 41 – 48	08/28/2006 Office Action for 09/688,982
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Pages 175 – 182	11/18/2004 Office Action for 09/761,671
Pages 183 – 190	09/30/2005 Office Action for 09/761,671
Pages 191 – 200	06/13/2006 Office Action for 09/761,671
Pages 201 – 222	10/06/2004 Office Action for 09/764,068
Pages 223 – 229	07/01/2005 Office Action for 09/764,068
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**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/999,245	12/10/97	EDER	

TM02/1121

DAVID R. HALVORSON  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES CA 90025

EXAMINER	
POINVIL, F	
ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 11/21/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

08/999,245

Applicant(s)

EDER

Examiner

Frantzy Poinvil

Group Art Unit

2768



☒ Responsive to communication(s) filed on Sep 1, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claim**

☒ Claim(s) 1-43 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-43 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_.

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152



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Art Unit: 2768

### DETAILED ACTION

1. Claim 32 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of previous claim 1. Applicant is required to cancel the claim(s) 32, or amend the claim(s) 32 to place the claim(s) 32 in proper dependent form, or rewrite the claim(s) 32 in independent form because claim 32 is a duplicate of claim 29 and is similar in scope to claim 29.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4, 6, 8-10, 13-14, 16, 18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swad, "Business Editors & Real Estate Industry Writers" and Brown, all taken in combination.

As per claims 1 and 8-9 and 20-21, when evaluating the value of a business enterprise, data related to the value of the business enterprise, wherein the business enterprises having elements of value contributing to the value of the business enterprise must be analyzed. Current operation revenue, current operation expense and current operation changes in capital must be

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obtained, collected and analyzed as required by USPAP standard No. 9 and rule 94. Note page 7 of the article by Randy Swad and the teachings of Business Editors & Real Estate Industry Writers. A business enterprise usually contains securities, salesmen, machines and other resources in which expenses are made and which also generate revenue for the enterprise. These different groups of resources usually have more than one element of value.

Calculating and storing item performance indicators, for each element of the enterprise would have been obvious to the skilled artisan in order to obtain a total sum of expense, revenue or changes in capital for each element or group of resources in the business enterprise. Note that Business Editors & Real Estate Industry Writers teaches generating an amount for each categorized element of value for a given time period or over a sequential series of points in time preceding a specified valuation date. Thus, Business Editors & Real Estate Industry Writers teaches calculating the revenue, expense and changes in capital over a sequential series of points in time. Combining the teachings provided by Swad and Business Editors & Real Estate Industry Writers would have resulted in the calculation of the revenue, expense and capital components of the value of a business enterprise. It is noted that the combination of Swad and Business Editors & Real Estate Industry Writers does not explicitly state a computer-implemented method for identifying value drivers by element of value. It would have been obvious to one of ordinary skill in the art of appraising and in the art of programming digital computers at the time of the invention was made to automate the system of the combined teachings above for the purpose of quickly appraise the value of an enterprise. Thus, programming a computer to perform the

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processes of an appraiser would have been obvious to the skilled artisan for the purpose of making quicker decision processes.

As per claims 2 and 14, the combination of Swad and Business Editors & Real Estate Industry Writers does not explicitly teach optionally dividing the numbers into subgroups for more detailed analysis. Such would have been obvious to the skilled in the combination of Swad and Business Editors & Real Estate Industry Writers in order to instantly view the performance of an element of value.

As per claims 4 and 16, many different types of items and communications are made through the Internet. Completing data entry via automated retrieval of information from the Internet would have been obvious to the skilled artisan in order to remotely communicate and access data for instant communication purposes.

As per claims 10 and 22, optionally identifying item variables and/or item performance indicators that are to be executed from consideration as value drivers or those that are not value drivers before an induction process is started would have been obvious to the skilled artisan whenever these variables show not to have a significant impact on the business enterprise.

Claim 13 contains limitations addressed in claim 1, and similar limitations are likewise rejected. Claim 13 contains additional feature of defining a composite variables that incorporates the value drivers to summarize element performance in causing the revenue, expense or changes in capital for each element of the enterprise using an induction algorithm. Calculating a composite variables that incorporates the value drivers in order to summarize element performance is

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equivalent to calculating sales of capital stock or other ownership interests that is of great importance to the business enterprise.

4. 35 U.S.C. § 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title".

Claims 1-43 are rejected under 35 U.S.C. § 101 because they are directed to non-statutory subject matter, specifically, as directed to an abstract idea.

Each of independent claims 1 and 13 uses mathematical algorithms and results in identifying item variables and item performance indicators which are numbers representing revenue, expense or changes in capital of a business enterprise. Claim 25 applies mathematical algorithms and results a total value (revenue, expenses and changes) for each element of value in a business enterprise. Claim 38 uses mathematical expressions and results in a calculated value of the growth option using an option pricing algorithm. Claim 39 results in displaying or printing the values of one or more growth options of a business enterprise. Claim 40 involves using mathematical algorithms and obtaining results yielding the value of elements of a business enterprise on a valuation date. The claims provide no manipulation of tangible physical objects, and thus constitutes non-statutory subject matter under 35 USC 101.

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No physical transformation is performed, no practical application is found. The claims appear to recite mathematical algorithms divorced from a practical application in the technological arts. The claims merely perform mathematical calculations in an expected manner as the machine is designed to do for any type of algorithm calculations, and present data results, add nothing more structurally or functionally than material falling under the non-statutory abstract idea concepts.

**Allowable subject**

5. As per claim 25, the prior art taken alone or in combination fails to teach or suggest for each value driver, multiplying each of the three numbers for capitalized value of future revenue, expenses, and changes in capital by the corresponding correlation percentage to yield a revenue value, an expense valued and a capital value taken in combination with a computer-implemented method for valuing one or more elements of a business enterprise on a specified valuation date.

As per claim 38, the prior art taken alone or in combination fails to teach or suggest calculating the value of a growth option using an option pricing algorithm taken in combination with a computer-implemented method for valuing one or more growth options of a business enterprise on a specified valuation date.

As per claim 39, the prior art taken alone or in combination fails to teach or suggest combining results from step © and (d) in the copywritten Value Map format for display and optional printout taken in combination with a computer-implemented method of preparing a Value Map for a business enterprise on a specified valuation date.

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As per claim 40, the prior art taken alone or in combination fails to teach or suggest an element valuation processor for calculating the value of each element by multiplying the capitalized values of future revenue, expenses and changes in capital by the correlation percentages and then summing the three resulting figures to yield the value of the element on the valuation taken in combination with a c system for valuing one or more elements of a business enterprise on a specified valuation date.

6.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil, whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:00 PM.

The fax phone number for this Art Unit is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

20Nov00

  
**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 2164**

# Office Action Summary

Application No.

08/999,245

Applicant(s)

EDER, JEFFREY SCOTT

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 44-59 and 65-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-59 and 65-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> .           |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :8/17/06, 3/6/06, 3/3/06, 2/17/06 .

Continuation of Attachment(s) 6). Other: IDS of 12/29/05, 9/12/05, 1/4/05.



## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 44-59 and 65-81 are rejected under 35 U.S.C. 102(b) as being anticipated by Lyons et al (US Patent No. 4,989,141).

As per claims 44-47, and 51- 55, 59, 65-71, 73, 75-77 and 80, Lyons et al disclose an enterprise data integration system comprising a computer system coupled to a plurality of data sources for aggregating a plurality of financial information and an application software segment configured to convert data source information to a common schema and store the converted data in an application database. See the abstract and columns 5-11 of Lyons et al.

Lyons et al teach a common data dictionary defining common attributes selected from the group consisting of elements of value, components of value, currencies, units of measure, time period, dates and combinations thereof. See column 7, line 1 to column 9, line 17 and column 13, lines 62-65 of Lyons et al. Lyons et al further teach database systems such as an accounts receivable and an accounts payable system (column 9, lines 8-12 of Lyons et al.), an advanced financial system (column 10, lines 1-15); capital assets, invoicing, sales and operations systems and combinations thereof

(columns 21-22 of Lyons et al). Everest states that various databases may be selected from a human resource system and a payroll system.

As per claim 48, the entered data being for each point of time over a sequential series of points in time preceding a specified valuation date is inherent in the system of Lyons et al because in tabulating data in a database for a given enterprise, the data must be related to time of the year or to given quarter of the year so as to analyze the growth, decline or worth of the enterprise for a given period.

As per claim 49, 50, 56, 57, most enterprises always keep track of their financial record or transaction data and plan for future forecast. Thus, features of claims 49 and 50 are inherent features of the system of Lyons et al.

As per claims **51, 58, 74, 78, 79 and 81**, Lyons et al disclose a system and method for controlling, analyzing and reporting an enterprise's financial assets. See the abstract. When evaluating the value of a business enterprise, data related to the value of the business enterprise, wherein the business enterprises having elements of value contributing to the value of the business enterprise must be analyzed. A business enterprise usually possesses tangible assets (such as employees, goods and real estate properties) and intangible assets (such as stocks and other securities). Other elements affecting a business enterprise are debts, liabilities and operating expenses, related business partners, vendors, customers and resources such as production equipment. These elements of values must be grouped and analyzed in order to generate a report reflecting the strength and growth of the related business enterprise.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 3628**

FP  
October 9, 2006



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/999,245	12/10/1997	JEFFREY SCOTT EDER	AR-03/5373-0105PUS1	3613

53787 7590 02/07/2007  
ASSET TRUST, INC.  
2020 MALTBY ROAD  
SUITE 7362  
BOTHHELL, WA 98021

EXAMINER
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POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

08/999,245

Applicant(s)

EDER, JEFFREY SCOTT

Examiner

Frantzy Poinvil

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 44-59 and 65-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-59 and 65-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### **Remarks:**

Applicant's representative generally argues that the Lyons et al reference fail to teach or suggest detail regarding aggregating enterprise related event data. Applicant's representative also states that Lyons et al fail to teach or suggest inherency of aggregating enterprise event related event data. Applicant further states that Lyons et al lack detail aggregating data from a plurality of database management systems.

In response, the Examiner respectfully disagrees. Lyons et al are directed to a system and method for generating a financial report for a client. The system and method comprise aggregating enterprise related event data from a plurality of database management system. See column 4, lines 19-30. Lyons et al further teach obtaining data quarterly or yearly and generating a report quarterly or yearly. See columns 4-5 of Lyons et al. Lyons et al also teach storing financial event data in a file or table. See columns 5-6 of Lyons et al.

The prior rejection is repeated below.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 44-59 and 65-81 are rejected under 35 U.S.C. 102(b) as being anticipated by Lyons et al (US Patent No. 4,989,141).

As per claims 44-47, and 51- 55, 59, 65-71, 73, 75-77 and 80, Lyons et al disclose an enterprise data integration system comprising a computer system coupled to a plurality of data sources for aggregating a plurality of financial information and an application software segment configured to convert data source information to a common schema and store the converted data in an application database. See the abstract and columns 5-11 of Lyons et al.

Lyons et al teach a common data dictionary defining common attributes selected from the group consisting of elements of value, components of value, currencies, units of measure, time period, dates and combinations thereof. See column 7, line 1 to column 9, line 17 and column 13, lines 62-65 of Lyons et al. Lyons et al further teach database systems such as an accounts receivable and an accounts payable system (column 9, lines 8-12 of Lyons et al.), an advanced financial system (column 10, lines 1-15); capital assets, invoicing, sales and operations systems and combinations thereof (columns 21-22 of Lyons et al).

Lyons et al further teach obtaining data quarterly or yearly and generating a report quarterly or yearly. See columns 4-5 of Lyons et al. Lyons et al also teach storing financial event data in a file or table. See columns 5-6 of Lyons et al.

As per claim 48, the entered data being for each point of time over a sequential series of points in time preceding a specified valuation date is inherent in the system of Lyons et al because in tabulating data in a database for a given enterprise, the data must be related to time of the year or to given quarter of the year so as to analyze the growth, decline or worth of the enterprise for a given period. See columns 4-5 of Lyons et al.



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As per claim 49, 50, 56, 57, most enterprises always keep track of their financial record or transaction data and plan for future forecast. Thus, features of claims 49 and 50 are inherent features of the system of Lyons et al.

As per claims 51, 58, 74, 78, 79 and 81, Lyons et al disclose a system and method for controlling, analyzing and reporting an enterprise's financial assets. See the abstract. When evaluating the value of a business enterprise, data related to the value of the business enterprise, wherein the business enterprises having elements of value contributing to the value of the business enterprise must be analyzed. A business enterprise usually possesses tangible assets (such as employees, goods and real estate properties) and intangible assets (such as stocks and other securities). Other elements affecting a business enterprise are debts, liabilities and operating expenses, related business partners, vendors, customers and resources such as production equipment. These elements of values must be grouped and analyzed in order to generate a report reflecting the strength and growth of the related business enterprise.

2. Newly submitted claim 82 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 44-59 and 65-81 are directed to a program storage device or computer implemented method or data integration system for aggregating enterprise related event data or financial transaction data into a table or file using a common data dictionary, a subject matter found in class, 705, subclass 26 or 35. The newly added claim 82 is directed to a method for building predictive models from transaction data covering series of time periods from one or more elements by using a neural network that is being trained with a specific error function.

Art Unit: 3692

This subject matter is found in class 706/2 and 706/16. Examining this claim would require the Examiner to perform additionally separate searches and to found new prior art since these claims are classified under a different class and subclass. Thus, such would result in a substantial burden on the Examiner if all these claims are to be examined.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 82 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### *Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3692

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 3692**

FP  
February 2, 2007



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/999,245	12/10/1997	JEFFREY SCOTT EDER	AR-03/5373-0105PUS1	3613
53787	7590	09/10/2007	EXAMINER	
ASSET TRUST, INC. 2020 MALTBY ROAD SUITE 7362 BOTHELL, WA 98021			POINVIL, FRANTZY	
			ART UNIT	PAPER NUMBER
			3692	
			MAIL DATE	DELIVERY MODE
			09/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

08/999,245

**Applicant(s)**

EDER, JEFFREY SCOTT

**Examiner**

Frantzy Poinvil

**Art Unit**

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 44-59 and 65-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-59 and 65-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Regarding the status of the claims in the instant application

In view of the Appeal Brief filed on 6/1/2007, PROSECUTION IS HEREBY REOPENED.

The Examiner has found new prior art. The Examiner is obliged to apply the newly found prior art. Thus, the prior Office action has been withdrawn and a new rejection follows. The Examiner regrets the delayed process of the application. Accordingly, claims 44-59 and 65-82 remain pending in the application with claim 82 being withdrawn from consideration.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 44-59 and 65-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons et al (US Patent No. 4,989,141) considered with Everest, "DATABASE MANAGEMENT, Objectives, System Functions, and Administration, McGraw-Hill Book Company, 1986, ISBN 0-07-019781-04.

As per claims 44-47, and 51- 55, 59, 65-71, 73, 75-77 and 80, Lyons et al disclose an enterprise data integration system comprising a computer system coupled to a plurality of data sources for aggregating a plurality of financial information and an application software segment configured to convert data source information to a common schema and store the converted data in an application database. See the abstract and columns 5-11 of Lyons et al.

Lyons et al teach a common data dictionary defining common attributes selected from the group consisting of elements of value, components of value, currencies, units of measure, time period, dates and combinations thereof. See column 7, line 1 to column 9, line 17 and column 13, lines 62-65 of Lyons et al.

Applicant's argues that Lyons et al do not teach a common schema and further states that a "common schema" is not even mentioned in the Lyons reference. In response, a common schema is merely used as a scheme to store information or to use datafields as indexes so as to store information in a table or database in an orderly manner. (As noted on page 26, third paragraph of the applicant's specification). Thus one of ordinary skill in the art would have then concluded that most database systems use a common schema to identify fields in a database systems. Furthermore, Everest

Art Unit: 3692

teaches techniques in database management systems. In so doing, Everest teaches a database system comprising a computer with a back-end interface coupled to a plurality of data sources and an application software segment configured to convert data source information to a common schema and store converted data in an application database for use in processing wherein a plurality of data sources of different data formats.

Applicant is directed to pages 739, 743-744, 747 and 750-756 of Everest.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Everest into the system of Lyons et al in order to provide schemes of using common datafields in related tables of a database management system thus facilitating the storing and retrieving and processing of information.

Lyons et al further teach database systems such as an accounts receivable and an accounts payable system (column 9, lines 8-12 of Lyons et al.), an advanced financial system (column 10, lines 1-15); capital assets, invoicing, sales and operations systems and combinations thereof (columns 21-22 of Lyons et al). Everest states that various databases may be selected from a human resource system and a payroll system.

Lyons stores information in a database system. Thus, the data storage of Lyons are tables or datafiles as most database systems store information in tables or datafiles. Also, it should be noted that a database is a collection of tables.

As per claim 48, the entered data being for each point of time over a sequential series of points in time preceding a specified valuation date is inherent in the system of



Lyons et al because in tabulating data in a database for a given enterprise, the data must be related to time of the year or to given quarter of the year so as to analyze the growth, decline or worth of the enterprise for a given period.

As per claims 49, 50, 56, 57, most enterprises always keep track of their financial record or transaction data and plan for future forecast. Thus, features of claims 49 and 50 are inherent features of the system of Lyons et al.


As per claims 51, 58, 74, 78, 79 and 81, Lyons et al disclose a system and method for controlling, analyzing and reporting an enterprise's financial assets. See the abstract. When evaluating the value of a business enterprise, data related to the value of the business enterprise, wherein the business enterprises having elements of value contributing to the value of the business enterprise must be analyzed. A business enterprise usually possesses tangible assets (such as employees, goods and real estate properties) and intangible assets (such as stocks and other securities). Other elements affecting a business enterprise are debts, liabilities and operating expenses, related business partners, vendors, customers and resources such as production equipment. These elements of values must be grouped and analyzed in order to generate a report reflecting the strength and growth of the related business enterprise.

### ***Conclusion***

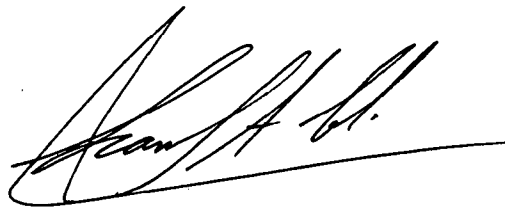
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 3692**

August 27, 2007

  
SPE 3692

**Notice of References Cited**

Application/Control No.

08/999,245

Applicant(s)/Patent Under

Reexamination

EDER, JEFFREY SCOTT

Examiner

Frantzy Poinvil

Art Unit

3692

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Everest, "DATABASE MANAGEMENT, Objectives, System Functions, and Administration, McGraw-Hill Book Company, 1986, ISBN 0-07-019781-04.
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/293,336	04/16/1999	JEFF S. EDER		4743

7590 11/26/2001

JEFF EDER  
19108 30TH DRIVE SE  
MILL CREEK, WA 98012

EXAMINER
----------

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
----------	--------------

2164

DATE MAILED: 11/26/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.	Applicant(s)	
09/293,336	EDER, JEFF S.	
Examiner	Art Unit	
C GRAHAM	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 April 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Attachment 1

32

<b>Notice of References Cited</b>	Application/Control No. 09/293,336	Applicant(s)/Patent Under Reexamination EDER, JEFF S.	
	Examiner C GRAHAM	Art Unit 2164	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
A	US-6173276	08-1997	Ealine kant	706	50
B	US-5812988	04-1995	Michael Sandretto	705	36
C	US-6125355	12-1997	Geert Bekaert	705	36
D	US-6134536	06-1999	Ian Kenneth	705	37
E	US-6112188	11-1993	Willam Hartnett	705	35
F	US-				
G	US-				
H	US-				
I	US-				
J	US-				
K	US-				
L	US-				
M	US-				

**FOREIGN PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification	
N						
O						
P						
Q						
R						
S						
T						

**NON-PATENT DOCUMENTS**

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)					
U						
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W						
X						

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Art Unit: 2164

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Kant U.S. Patent

No.6, 173,276.

Referring to claim 1, Kant discloses a computer method for valuing financial instruments  
as claimed. See abstract Line 24-25 and Column 1, Line 10 and Column 39 Line 45-55. Kant  
also discloses assets and options as claimed. See Column 4 Line 25-35 and Column 26 Line 25-40  
and Column 41 line 10-25. — *done*

Referring to claim 2, Kant discloses a computer system for valuing financial instruments as  
claimed. See Column 1 Line 10 and Column 39 Line 45-55. Kant also discloses assets and  
options as claimed. See Column 4 Line 25-35 and Column 26 Line 25-40 and Column 41 line  
10-25. *done 23*

Art Unit: 2164

3. The prior art of record and not relied upon is considered pertinent to Applicant's disclosure.

Sandretto (US 5812988 Patent ) teaches method and system for jointly estimating cash flows, simulated returns, risk measures and present values for plurality of assets.

Bekaert (US Patent 6125355) teaches pricing module for financial advisory system.

Hartnett (US Patent 6112188) teaches privatization market place.

4.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clenart Graham whose telephone number is (703) 305-1874 or Vincent Millin whose telephone number is (703) 305-1065. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone number for this Art Unit is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

FP

19Nov01

  
**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 2164**





# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,982	10/17/2000	Jeff Scott Eder		2396
29051	7590	01/06/2004		
JEFF EDER 19108 30TH DRIVE SE MILL CREEK, WA 98012			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/688,982

Applicant(s)

EDER, JEFF SCOTT

Examiner

Clement B Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-99 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-99 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTC-152)
- 6) ☐ Other: \_\_\_\_\_

<b>Notice of References Cited</b>	Application/Control No. 09/688,982	Applicant(s)/Patent Under Reexamination EDER, JEFF SCOTT	
	Examiner Clement B Graham	Art Unit 3628	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,092,056	07-2000	Tull et al.	705/36
	B	US-5,471,611	11-1995	McGregor, Douglas R.	707/4
	C	US-5,649,181	07-1997	French et al.	707/3
	D	US-5,706,495	01-1998	Chacha et al.	707/2
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

**DETAILED ACTION****Claim Rejections - 35 USC § 102**

1. Rejection under 35 U.S.C 102(e), Patent Application Publication or Patent to Another with Earlier Filing Date, in view of the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-99, are rejected under 35 U.S.C. 102(e) as being anticipated by Tull, Jr.

et al (Hereinafter Tull, Jr U.S Patent 6, 092, 056).

As per claims 1-99, Tull, Jr discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processors in a plurality of computers that have been connected via a network to an organization performance method comprising, integrating data from a variety of sources in accordance with a common schema, and using at least a portion of the integrated data to create one or more tools for managing organization financial performance.(Note abstract and see column 5-25 lines 5-65).

**Conclusion**

3. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

McGregor (US Patent 5, 471, 611) teaches computerized information retrieval database systems.

Frech et al (US 5, 649, 181 Patent) teaches Method and apparatus for indexing database columns with bit vectors.

Art Unit: 3628

Chadha et al (US Patent 5, 706, 495) teaches encoded vector indices for decision support and warehousing.

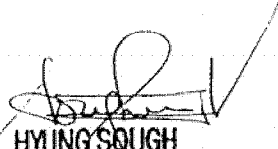
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

December 12, 2003

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,982	10/17/2000	Jeff Scott Eder		2396

2292 7590 08/28/2006  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/688,982

Applicant(s)

EDER, JEFF SCOTT

Examiner

Clement B Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 5/19/06.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 100 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 100 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 3628

**DETAILED ACTION**

1. Claims 1-99 has been cancelled an claim 100 has been added.

**Claim Rejections - 35 USC § 102**

2. Rejection under 35 U.S.C 102(e), Patent Application Publication or Patent to Another with Earlier Filing Date, in view of the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 100, is rejected under 35 U.S.C. 102(e) as being anticipated by McManus,

et al (Hereinafter McManus U.S Patent 6, 401, 070).

As per claim 100, McManus discloses a system for forecasting the value of business tangible elements of value, intangible elements of value, real options and combinations thereof after user specified changes, comprising:

- (a) processing means for processing data;
- (b) storage means for storing data;
- (c) first means for obtaining data related to the value of the business enterprise, the business enterprise having one or more tangible or intangible elements of value contributing to the value of the business enterprise, one or more real options contributing to the value of the business and the value of the business enterprise including a revenue component, an expense component and a capital component(see column 2 lines 21-67 and column 4-10 lines 1-67) (d) second means for calculating, for each one of the tangible or intangible elements of value(see column 2 lines 21-67 and column 4-10 lines 1-67) a vector characterizing performance of the tangible or intangible element of value of the business enterprise; where said means further comprises means for combining composite variables, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, transaction patterns, geospatial measures, relative rankings, link counts, frequencies, time periods, average time periods, cumulative time



Art Unit: 3628

periods, rolling average time period, cumulative total values, period to period rates of change to calculate the vector(see column 2 lines 21-67 and column 4-10 lines 1-67)

(e) third means for calculating the real option category of value, the revenue, expense and capital components of the value of the business enterprise;

(f) fourth means for determining, for each one of the tangible or intangible elements of value(see column 2 lines 21-67 and column 4-10 lines 1-67) a percentage of the real option category contributed by the tangible or intangible element of value, a percentage of the revenue component contributed by the tangible or intangible element of value, a percentage of expense component contributed by the tangible or intangible element of value and a percentage of the capital component contributed by the tangible or intangible element of value(see column 2 lines 21-67 and column 4-10 lines 1-67)

(g) fifth means for calculating a value for each of the tangible or intangible elements of value of the business enterprise based on the revenue, expense and capital components of value and the real option category of value of the business enterprise and the percentages of the revenue, expense, capital and real option category contributed by the tangible or intangible elements of value; (see column 2 lines 21-67 and column 4-10 lines 1-67)

(h) sixth means for displaying the values;

(i) seventh means for user modification of, for each one of the tangible and intangible elements of value, selected one or ones of the value drivers that drive the value of the business enterprise(see column 2 lines 21-67 and column 4-10 lines 1-67)

(j) eighth means for calculating a value for each of the tangible or intangible elements of value of the business enterprise based on the value of the business enterprise and the percentage of the value contributed by the tangible or intangible elements of value after user modification; and

(k) ninth means for displaying the new value. (see column 2 lines 21-67 and column 4-10 lines 1-67).

### **RESPONSE TO ARGUMENTS**

8. Applicant's arguments filed on 5/19/06 has been fully considered but they are moot in view of new grounds of rejections.

Art Unit: 3628

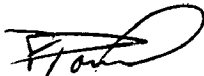
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

August 18, 2006



FRANTZY POINVIL  
PRIMARY EXAMINER  
Au 3628

<b>Notice of References Cited</b>	Application/Control No. 09/688,982	Applicant(s)/Patent Under Reexamination EDER, JEFF SCOTT	
	Examiner Clement B Graham	Art Unit 3628	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,401,070	06-2002	McManus et al.	705/1
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

# Index of Claims



Application/Control No.

09/688,982

Examiner

Clement B. Graham

Applicant(s)/Patent under  
Reexamination

EDER, JEFF SCOTT

Art Unit

3628

✓	Rejected
=	Allowed

—	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date									
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**Search Notes**

Application/Control No.

09/688,982

Examiner

Clement B. Graham

Applicant(s)/Patent under  
Reexamination

EDER, JEFF SCOTT

Art Unit

3628

**SEARCHED**

Class	Subclass	Date	Examiner
705	37	8/12/2006	CG
705	39	8/13/2006	CG
705	38	8/14/2006	CG

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
See attached west search notes	8/14/2006	CG



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,983	10/17/2000	Jeff S. Eder		2397

29051 7590 12/24/2003

JEFF EDER  
19108 30TH DRIVE SE  
MILL CREEK, WA 98012

EXAMINER

DASS, HARISH T

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/688,983

Applicant(s)

EDER, JEFF S.

Examiner

Harish T Dass

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on 01 January 1991.

2a) ☐ This action is **FINAL**.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-91 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-91 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION*****Claim Objections***

1. Claims 23 & 70 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

A proper dependent claim shall not conceivably be infringed by anything which would not also infringe the basic claim. See MPEP § 608.01(n), Section III. However, the depending claim 23 (claim 70) recite "A computer readable medium having sequences of instructions stored therein, which when executed cause the processors in a plurality of computers connected via a network to perform the risk method of *claim 1*." Applying the infringement test, what is needed to infringe claim 23 (claim 70) is, for example, a CD-ROM having computer executable code that if and when executed would cause a computer to do the calculating, ranking and selecting steps. However, such a CD-ROM would not infringe the method steps of claim 15 since the CD-ROM itself never performs any of the active steps of calculating, ranking, and selecting required by the method. In other words, mere possession of such a CD-ROM would infringe claim 23 (claim 70), but this is not enough to infringe claim 1 (claim 47). As a result, claim 23 (claim 70) is an improper dependent claims.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:



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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-91 are rejected under 35 U.S.C. 112, first paragraph, because it is subject to undue breadth of claims. More specifically, the subject claims cover every conceivable way of using data from every conceivable systems.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-91 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The metes and bounds of claims are vague and indefinite. More specifically it is not clear how data is being used and what "a variety of systems" include. Further, there are numerous places with informalities and lack of antecedent basis, e.g., in claim 2, line 1, ... said ... or ... the ... should be inserted before "date"; "an" before "enterprise" in claim 5, line 1 should be replaced with either ... said ... or ... the ... claim 13, "the value impact", and claim 15, "the optimal mix" do not have proper antecedent basis, same for other claims. Additionally, claims 6 and 29 "group consisting of relationships, brands, channels, and processes" are not clear, please, point out where these are defined.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, & 3-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, particularly, an abstract idea.

The Examiner notes that the disclosed invention is within the technological arts. The claimed invention is also noted not to be a computer program, data structure, a natural phenomenon, a non-descriptive material per se. The claimed invention does not include a series of steps to be performed by a computer. The claimed invention also is not a product for performing a process, nor is it a specific machine or manufacture. The claimed invention is not a specific tangible machine or process for facilitating a business transaction. Claims 1, 3-22 do not appear to correspond to a specific machine or manufacture disclosed within the instant specification and thus encompass any product of the class configured in any manner to perform the underlying process. Claims 1, 3-22 do not appear to correspond to a specific machine or manufacture, and thus encompass any product of the class configured in any manner to perform the underlying process. The claimed invention of claims 1, 3-22 also do not include a post-computer process activity or a pre-computer process activity. Thus, no physical transformation is performed, no practical application in the technological art is found. Consequently, claims 1, 3-22 are analyzed based upon the underlying process, and are thus rejected as being directed to a non-statutory process.

See *State Street Bank & Trust Co. V. Signature Financial Group Inc.*, 47

USPQ2d 1597 (Fed. Cir. 1998) where the Federal Circuit held that: "[T]he transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it provides "a useful, concrete and tangible result".

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ching (US 6,078,901) in view of Donner (US 6,263,314).

Re. Claims 1-2, 24-25, 46-48, and 71-72, Ching discloses calculating devices for non-arbitrary price determination and rational decision making and using data from a variety of systems to quantify risks associated monetary and non-monetary items for an organization (universities, banks, corporations), and obtaining reasonable input data (where data is obtained from the group consisting of advanced financial systems, basic financial systems, web site management systems, alliance management systems, brand management systems, customer relationship management systems, channel

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management systems, intellectual property management systems, process management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), scheduling systems, quality control systems and purchasing systems) and networked computers each with a processor (computing devices), fair market value [Ching: see entire document particularly, Abstract; figures 3, 5, 9, 11-12, 15-16, 18-19, 23; C2 L57 to C3 L4; C4 L43 to C5 L38; C9 L66 to C12 L6; C8 L11-L32; C13 L22 to C18 L50; C39 L50 to C40 L30]. Ching, explicitly, does not disclose intangible elements (intellectual properties) and network. However, Donner discloses this item [see entire document particularly, Abstract, Figures]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine the teaching of Ching and Donner and include analysis of intellectual property by collecting pertinent data regarding an intellectual property portfolio and analyzes the collected data against empirical data to provide a qualitative and/or quantitative analysis of the intellectual property portfolio. Further, it is well known to one skill in the art of real estate, the real estate agent (mortgage company) obtains client data from verity of place such as: client application form, credit rating, bank, employer, etc. and before providing the loan, it evaluates the risk before it issuing a check to the client or his agent. Similarly, obtaining health or life insurance.

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Re. Claims 3, 26, 49 & 73, Ching discloses input data from computer keyboard [C31 L47]. Ching, explicitly, does not disclose wherein at least a portion of the data is from the Internet or external databases. However, Donner (US 6,263,314) discloses this feature [C5 L25 to C6 L61; C7 L35-L49]. It would have been obvious to modify the teaching of Ching and include obtaining portion of data from external source, as taught by Donner, to receive additional data from on-line databases from evaluation.

Re. Claims 4-5, 27-28, 50-51 and 74-75 Ching discloses wherein the organization comprises a single enterprise, a multi-enterprise organization and wherein an enterprise comprises a single product (real estate) [see claim 1 for reference].

Re. Claims 7-9, 30-32, 53-55, 76-78 Ching, explicitly, does not discloses where the risks are from the group consisting of generic risk and contingent liabilities and where generic risks are from the group consisting of fire, earthquakes, floods and weather and wherein the risks are quantified under a normal scenario or an extreme scenario. However, these are well known in insurance industries. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify teaching of Ching and include of generic risk and contingent liabilities to evaluate real estate risk component related to these group (fire, earthquakes, floods, weather, etc.) which affect the insurance policy.

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Re. Claims 10-22, 33-45, 58-69 & Ching, discloses fair market value. Ching, explicitly, does not disclose these items. However, these items are well known and used for evaluation of corporations, companies, etc (large or small) asset evaluation, liabilities, payroll (financial statements) and risk management to obtain a loan, sell stock to the public, buy/sell the company, etc.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

*US 6,278,981 to Dembo et al, Aug. 21, 2001 "Computer-implemented method and apparatus for portfolio compression", this invention discloses providing improved tools for risk management of large and/or complex portfolios of financial instruments. In accordance with particular embodiments of the invention, as described herein, a "compressed portfolio" is generated for a given target portfolio of financial instruments, stochastic optimization techniques for portfolios with options, number of simple instruments (e.g., bonds, fixed rate bonds, floating a rate notes, forward rate agreements, futures and forward contracts, foreign exchange forwards, fixed notional swaps and certificates of deposit, zero coupon bond, etc).*

*US 5,704,045 to King et al, Dec. 30, 1997 "System and method of risk transfer and risk diversification including means to assure with assurance of timely payment and segregation of the interests of capital", this invention discloses a financial management systems and, more specifically, to data processing methodology for effecting an improved capital and security structure in an insurance or other financial enterprise.*

*US 5,644,727 to Atkins, July 1, 1997 "System for the operation and management of one or more financial accounts through the use of a digital communication and computation system for exchange, investment and borrowing", this invention discloses a method and apparatus which provides an integrated financial product package together with a system of exchange, investment and borrowing that incorporates personal financial analysis, planning and management.*

*US 6,064,972 to Jankowitz et al, May 16, 2000 "Risk management technique for network access", this invention discloses risk of fraud associated with access by a subscriber to a network is managed by a system that includes a data base that stores a record for each subscriber indicative of that subscriber's usage history and payment ability for each service to which that subscriber has access. Additionally, the subscriber's record also stores an individual service risk characteristic indicative of the risk of providing access by the subscriber to a particular service, as well as a composite risk characteristic indicative of an overall risk of access.*

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*US 5,191,522 to Bosco et al, Mar. 2, 1993 "Integrated group insurance information processing and reporting system based upon an enterprise-wide data structure", this invention discloses an integrated information storage processing and reporting system for processing and supervising a plurality of group insurance accounts was constructed with a single enterprise-wide relational data base. The system provides sales, underwriting, administration and actuarial functions through integrated program-controlled data processing systems specific for each function and communicating with a group insurance account data bank. Each function is accessible through a single integrated workstation.*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Harish T Dass *HTD*  
Examiner  
Art Unit 3628  
12/9/2003

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600



<b>Notice of References Cited</b>	Application/Control No. 09/688,983	Applicant(s)/Patent Under Reexamination EDER, JEFF S.	
	Examiner Harish T Dass	Art Unit 3628	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,078,901 A	06-2000	Ching, Hugh	705/35
	B	US-5,191,522 A	03-1993	Bosco et al.	705/4
	C	US-6,263,314 B1	07-2001	Donner, Irah H.	705/1
	D	US-5,704,055	12-1997	George et al.	711/2
	E	US-5,704,045	12-1997	King et al.	705/35
	F	US-5,191,522	03-1993	Bosco et al.	705/4
	G	US-6,278,981	08-2001	Dembo et al.	705/36
	H	US-6,064,972	05-2000	Jankowitz et al.	705/7
	I	US-5,644,727	07-1997	Atkins, Charles Agee	705/40
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,983	10/17/2000	Jeff S. Eder		2397

29051 7590 06/15/2004

JEFF EDER  
19108 30TH DRIVE SE  
MILL CREEK, WA 98012

EXAMINER

DASS, HARISH T

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/688,983

Applicant(s)

EDER, JEFF S.

Examiner

Harish T Dass

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 92-132 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 92-132 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-91 are canceled.

Paper # 10 "Supplemental Amendment" have been considered but it is noted that no new IDS is filed with this paper.

### ***Specification***

1. The amendment filed 3/16/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. Inventor substantially has altered original specification and major portion of original specification has been deleted and has added numerous new materials, which are not supported by the original disclosure. For example: page 9 lines 15, 17 & 23 "... the impact of each", "using a series of models", "market value", "net value impact", etc. Examiner has not found the closest relevant paragraph pages showing these changes. See MPEP Paragraph 2163.02.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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2. Claims 98-106 and 122-132 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The independent claim 98 and its dependent claim # 99 are vague.

3. Claims 107-121 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added material which is not supported by the original disclosure is as follows: page 33, claim 107 line # 4 "common xml" Examiner has not found the closest relevant paragraph pages to showing this change. The office action references to the specification as new matters remove the added limitations or amend to read per original specification. The amended limitation cannot add new matters, which are not in original specification, and applicant should clearly point out where these limitations are referenced.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 92-132 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The metes and bounds of claims are vague and indefinite. More specifically it is not clear how data is being used and what "a variety of systems" include. Further, there are numerous places with informalities and lack of antecedent basis, e.g., "the optimal mix" do not have proper antecedent basis, same for other claims. Applicant is required to fix all proper antecedent basis for limitation which are lacking, especially, since the specification is substantially has been changed and new claims are added.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 107-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ching (US 6,078,901).

Re. Claim 107, Ching discloses quantifying organization risk by element of value using at least a portion of the data [C4 L66 to C5 L40], displaying the quantified risks using a paper document or electronic display [Figure 15-16, 18; C13 L21 to C18 L50; C20 L3-

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L5; C29 L9-L61]. Ching does not explicitly disclose integrating organization related data using a common xml schema.

However, XML and is well known and used and used with web-pages with dynamic data input. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Ching and organize data using XML to allow dynamically inputting and displaying the data.

Re. Claim 108, Ching discloses calculating the amount of capital available for risk reduction purchases [C11 L15-L30], identifying the optimal mix of risk reduction products and risk reduction activities given the quantified risks and available capital (Optimal Resource Allocation) [C11 L15-L30; C13 L20 to C18 L50], and displaying the optimal mix using a paper document or electronic display [Figure 15-16, 18; C13 L21 to C18 L50; C20 L3-L5; C29 L9-L61].

Re. Claim 109, Ching discloses implementing the optimal mix of risk reduction products and risk reduction activities in an automated fashion (Optimal Resource Allocation and Completely Automated And Self-generating Software System) [C3 L3-L4; C11 L15-L30; C13 L20 to C18 L50].

Claims 92-106 and 122-132 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ching in view of Donner (US 6,263,314).

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Re. Claims 92 and 122, Ching disclose related computing devices and computer software for price and value determination and for rational decision making based on valuation [see entire document particularly, Abstract; figures 3, 5, 9, 11-12, 15-16, 18-19, 23; C1 L1 to C3 L28; C4 L43 to C5 L38; C23 L17 to C24 L31; C9 L66 to C12 L6; C8 L11-L32; C13 L22 to C18 L50; C39 L50 to C40 L30] and (a) processing means for processing data [C23 L21-L30; C24 L19-L31], (c) first means for obtaining data related to the value of the business, the business having one or more tangible elements of value and intangible elements of value contributing to the value of the business, and the value of the business including a current operation category of value, a real option category of value and a market sentiment category of value [Fig. 18-20; C21 L66-L67; C25 L39-L46; C29 L13-L61], (d) second means for calculating, for each one of the tangible elements of value and intangible elements of value, a tangible measure characterizing the impact of the element of value, second means including means for calculating performance indicators and combining variables, performance indicators and combinations of variables and indicators to calculate the measure (balance sheet, evaluation) [C13 L21 to C18 L50; C29 L13-L61], (e) third means for calculating the value of the current operation, real option and market sentiment categories of the value of the business (present value), (f) fourth means for using the tangible measures to determine, for each one of the elements of value, a percentage of the current operation category contributed by the element of value, a percentage of the real option category contributed by the element of value and a percentage of the market sentiment category contributed by the element of value, and (g) fifth means for calculating a value for each



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of the elements of value based on the current operation, real option and market sentiment categories of value of the business and the percentages of the current operation, real option and market sentiment contributed by the elements of value [Fig. 18-20, C4 L66 to C5 L40; C13 L21 to C18 L50], (h) sixth means for quantifying risks facing the business [C4 L66 to C5 L40], (i) seventh means for relating said risks to the tangible elements of value and intangible elements of value, j) eighth means for quantifying the business impact of said risks using the previously identified relationship between the elements of value and the categories of business value [C13 L21 to C18 L50; C20 L3-L5; C29 L9-L61] and (k) ninth means for displaying the values and quantified risk impacts by element [Figure 15-16, 18; C13 L21 to C18 L50; C20 L3-L5; C29 L9-L61] and measures of element of value impact on aspects of organization financial performance using aggregated organization related data and uses the measures to create tools for financial performance management [Fig. 11-12 C21 L66-L67; C25 L39-L46; C29 L13-L61; C13 L21 to C18 L50]. Ching, explicitly, does not disclose (b) storage means for storing data. However, Donner discloses an intellectual property audit systems, which collects pertinent data regarding an intellectual property portfolio and analyzes the collected data against empirical data to provide a qualitative and/or quantitative analysis of the intellectual property portfolio, and storage means for storing data [Abstract; Figures 8-9; C7 L30 to C8 L7; C10 L53 to C35] to store empirical data and database. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine the teaching of Ching and Donner and include analysis of intellectual property by collecting pertinent data regarding an

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intellectual property portfolio and analyzes the collected data against empirical data to provide a qualitative and/or quantitative analysis of the intellectual property portfolio and storing collected data to storage device for further use. Further, it is well known to one skill in the art of pharmaceutical industry such as Merk Inc. to report all its tangible and intangible assets in their balance sheet for accurate calculation where these evaluations are useful in merger and acquisitions of companies.

Re. Claims 93-95, Ching discloses where the risks quantified by the sixth means are generic risks, contingent liabilities and combinations thereof, identifying the one or more tangible indicators included in the measures associated with each element of value that are affected by each risk, quantifying the change in the measure caused by the change in the one or more tangible indicators included in each element of value measure, and using the established relationships between element measures and the categories of value to quantify the business impact by element of value [Figures 15-20; C4 L66 to C5 L40; C9 L66 to C11 L65]

Re. Claim 96, Ching discloses wherein said ninth means further comprises a paper document, electronic display or combination thereof [Figure 15-16, 18; C13 L21 to C18 L50; C20 L3-L5; C29 L9-L61].

Re. Claim 97, Ching does not explicitly disclose means for identifying the optimal risk transfer purchase for the business. However, this step is well known and used for

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evaluation of corporations during mergers and acquisitions on their balance sheet to show the assets and liabilities, insurance and future payments and expected losses. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Ching and include identifying the optimal risk transfer purchase for the business to justify the purchase decision.

Claims 98-106 are rejected with same rational as claims 92-97 and are rejected likewise.

Re. Claims 123-128, 130-132 Ching discloses wherein the organization comprises a single product, a group of products, a division or a company, a multi-enterprise organization or a value chain, where the aspects of financial performance are selected from the group consisting of revenue, expense, capital change, real option value, market value and combinations thereof, where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof [see entire document particularly, C21 L66-L67; C25 L39-L46; C29 L13-L61; C13 L21 to C18 L50], where the tools for financial performance management are selected from the group consisting of a network model that quantifies net element impact on organization value, a network model that quantifies net element impact on organization revenue, a network model that quantifies net element impact on organization expense, a network model that quantifies

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net element impact on organization capital change, a model that quantifies net element impact on organization real option value, a network model that quantifies net element impact on organization market sentiment, a simulation model that quantifies the impact of risks on organization value by element of value, a simulation model that quantifies the impact of risks on organization revenue by element of value, a simulation model that quantifies the impact of risks on organization expense by element of value, a simulation model that quantifies the impact of risks on organization capital change by element of value, a simulation model that quantifies the impact of risks on organization real options by element of value a simulation model that quantifies the impact of risks on organization market sentiment value by element of value and combinations thereof [C2 L57 to C3 L4; C4 L43 to C5 L38; C9 L66 to C12 L6; C8 L11-L32; C13 L22 to C18 L50; C39 L50 to C40 L30], where the models support activities from the group consisting of optimization of one or more aspects of organization financial performance, financial simulations, element valuations, risk quantification, management reporting and combinations thereof where the models are developed in an automated fashion, where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof, where the element of value impact on aspects of organization financial performance is the direct impact on an aspect of financial performance net of any impact on other elements of value

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[see entire document particularly, C21 L66-L67; C25 L39-L46; C29 L13-L61; C13 L21 to C18 L50].

Re. Claims 129 and 132, Ching explicitly does not disclose where the risks are from the group consisting of fire risks, earthquake risks, flood risks, weather risks, contingent liabilities and combinations thereof and further comprises networked computers each with a processor having circuitry to execute instructions where each processor has a storage device that is available to it and each storage device has sequences of instructions stored therein which when executed cause the processors to complete the required processing. However, these are well known and obvious step in insurance industries and Internet search computers. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify teaching of Ching and include of generic risk and contingent liabilities to evaluate real estate risk component related to these group (fire, earthquakes, floods, weather, etc.) which affect the insurance policy.

Claims 110-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ching as applied to claim 107 above, in view of Donner.

Re. Claims 110-121, Ching discloses where organization related data is obtained from the group consisting of advanced financial systems, basic financial systems, web site management systems, alliance management systems, brand management systems,

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customer relationship management systems, channel management systems, intellectual property management systems, process management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), scheduling systems, quality control systems, purchasing systems, the Internet, external databases, user input and combinations thereof [Abstract; C2 L57 to C3 L4; C4 L43 to C5 L38; C9 L66 to C12 L6; C8 L11-L32; C13 L22 to C18 L50; C39 L50 to C40 L30], wherein the organization comprises an enterprise, a multi-enterprise organization or a value chain, wherein an enterprise comprises a single product, a group of products, a division or a company, where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof, where the risks are from the group consisting of fire risks, earthquake risks, flood risks, weather risks, contingent liabilities and combinations thereof, wherein the risks are quantified under scenarios from the group consisting of normal, extreme and combinations thereof, where quantifying risks by element of value further comprises, identifying tangible measures for each element of value that incorporate one or more tangible indicators of element impact, quantifying the relationship between elements of value and the categories of value using said tangible measures, quantifying organization risks, identifying the one or

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more tangible indicators included in the measures associated with each element of value that are affected by each risk, quantifying the change in the measure caused by the risk induced change in the one or more tangible indicators included in each element of value measure, and using the established relationships between element measures and the categories of value to quantify the business impact by element of value, wherein the quantified risks by element of value are further identified by category of value where the categories of value are current operation, real options and market sentiment, where the risk transfer products are insurance or derivatives, where the optimal mix is determined using a multi-criteria optimization for a combined normal and extreme scenario, where implementing the optimal mix of risk reduction products and risk reduction activities further comprises: completing the purchase of risk transfer products in an automated fashion, and identifying changes in operating limits by organization system [C2 L57 to C3 L4; C4 L43 to C5 L38; C9 L66 to C12 L6; C8 L11-L32; C13 L22 to C18 L50; C39 L50 to C40 L30], and communicating the changes in operating limits to organization systems, where organization systems are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, intellectual property management systems, process management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, enterprise resource

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planning systems (ERP), material requirement planning systems (MRP), scheduling systems, quality control systems and purchasing systems and combinations thereof [C2 L57 to C3 L4; C4 L43 to C5 L38; C9 L66 to C12 L6; C8 L11-L32; C13 L22 to C18 L50; C39 L50 to C40 L30]. Ching, explicitly, does not disclose intangible elements (intellectual properties). However, Donner discloses this item [see entire document particularly, Abstract, Figures]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine the teaching of Ching and Donner and include analysis of intellectual property by collecting pertinent data regarding an intellectual property portfolio and analyzes the collected data against empirical data to provide a qualitative and/or quantitative analysis of the intellectual property portfolio.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Harish T Dass  
Examiner  
Art Unit 3628

6/14/04

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
AU 3628



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,983	10/17/2000	Jeff S. Eder		2397

29051 7590 02/24/2005

JEFF EDER  
19108 30TH DRIVE SE  
MILL CREEK, WA 98012

EXAMINER

DASS, HARISH T

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/688,983

**Applicant(s)**

EDER, JEFF S.

**Examiner**

Harish T Dass

**Art Unit**

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 107-121 and 133-156 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 107-121 and 133-156 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/9/04</u> | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/9/2004 has been entered.

**DETAILED ACTION**

Claims 1-106 and 122-132 are cancelled.

IDS submitted 8/9/2004 has only one page not 7 pages, It may be a typo.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 138-144 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 138 does not include step(s) which is inventive step(s). Any software capable of formatting non-xml to xml format can do the job.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 107-121, 134-146 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ching (US 6,078,901) in view of Ranger (US 6,301,584).

Re. Claims 107, 133 and 138, Ching discloses quantifying organization risk by element of value using at least a portion of the data [C4 L66 to C5 L40], displaying the quantified risks using a paper document or electronic display [Figure 15-16, 18; C13 L21 to C18 L50; C20 L3-L5; C29 L9-L61]. **Ching does not explicitly disclose** using metadata mapping to integrate organization related data in accordance with xml metadata.

However, Ranger discloses this step [see entire document particularly, Abstract; Figure 3, 5-14; C1 L15 to C2 L59; C3 L30-L38; C5 L42 to C6 L23; C9 L6 to C10 L40; C12 L59 to C13 L5] to collect relevant information located at a plurality of sites and stored in plurality of incompatible formats according to configurable search strategies. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Ching and Ranger and include using metadata mapping to extract data from data sources and integrate into a model and present to the user in improved and different format.

Re. Claim 108, Ching further discloses calculating the amount of capital available for risk reduction purchases [C11 L15-L30], identifying the optimal mix of risk reduction

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products and risk reduction activities given the quantified risks and available capital (Optimal Resource Allocation) [C11 L15-L30; C13 L20 to C18 L50], and displaying the optimal mix using a paper document or electronic display [Figure 15-16, 18; C13 L21 to C18 L50; C20 L3-L5; C29 L9-L61].

Re. Claim 109, Ching further discloses implementing the optimal mix of risk reduction products and risk reduction activities in an automated fashion (Optimal Resource Allocation and Completely Automated And Self-generating Software System) [C3 L3-L4; C11 L15-L30; C13 L20 to C18 L50].

Re. Claims 110-121, 134-137, and 139-146, Ching discloses **where** organization related data is obtained from the group consisting of advanced financial systems, basic financial systems, web site management systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, intellectual property management systems, process management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), scheduling systems, quality control systems, purchasing systems, the Internet, external databases, user input and combinations thereof [Abstract; C2 L57 to C3 L4; C4 L43 to C5 L38; C9 L66 to C12 L6; C8 L11-L32;

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C13 L22 to C18 L50; C39 L50 to C40 L30], **wherein** the organization comprises an enterprise, a multi-enterprise organization or a value chain, **wherein** an enterprise comprises a single product, a group of products, a division or a company, **where** the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof, **where** the risks are from the group consisting of fire risks, earthquake risks, flood risks, weather risks, contingent liabilities and combinations thereof, **wherein** the risks are quantified under scenarios from the group consisting of normal, extreme and combinations thereof, **Where** developing element impact summaries that incorporate one or more transaction indicators, quantifying the relationship between elements of value and the categories of value using said summaries, quantifying organization risks, simulating organization financial performance using said indicators and risks, quantifying the impact on financial performance caused by the risk induced change in the one or more indicators included in each element impact summary using said simulations and the established relationships between element impact summaries and the categories of value, **wherein** the quantified risks by element of value are further identified by category of value **where** the categories of value are current operation, real options and market sentiment, **where** the optimal mix is determined using a multi-criteria optimization for a combined normal and extreme scenario, **where** implementing the optimal mix of risk reduction products and risk reduction activities further comprises: completing the purchase of risk transfer products in an automated fashion, and identifying changes in operating limits by

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organization system [C2 L57 to C3 L51; C4 L43 to C5 L38; C8 L11-67; C9 L66 to C12 L6; C8 L11-L32; C13 L22 to C18 L50; C30 L15-L23; C39 L50 to C40 L30; C48 L33 to C49 L18], and communicating the changes in operating limits to organization systems, **where** organization systems are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, intellectual property management systems, process management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), scheduling systems, quality control systems, purchasing systems and combinations thereof [C2 L57 to C3 L4; C4 L43 to C5 L38; C9 L66 to C12 L6; C8 L11-L32; C13 L22 to C18 L50; C39 L50 to C40 L30]. Ching, explicitly, **does not** disclose **where** the risk transfer products are insurance, derivatives and combinations thereof. However these are known product with associated risk factors. , and further Ching, **does not** disclose metadata mapping is established using a metadata and conversion rules window, **where** some data from **the group consisting** of component of value data, sub component of value data, known value drivers and combinations thereof are pre-specified for mapping, **where** the integrated data is stored in tables, **where** the metadata mapping is established using a metadata and conversion rules window, **where** some data are pre-specified for mapping, **where** the data pre-



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specified for mapping are selected from **the group consisting** of component of value data, sub component of value data, known value drivers and combinations thereof, **where** the integrated data is stored in tables, **where** one axis of each table is defined by the time periods that require data, **where** one axis of each table is defined by data from **the group consisting** of components of value, sub components of value, known value drivers, elements of value, non-relevant attributes and combinations thereof. However, these step are disclosed by Ranger [see claim 1] to format different type of data to configurable one. further bots (robots) are known to perform some task that is repetitive such as searching internet [see claim 1 for references]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine the teaching of Ching and Ranger and include known securities (insurance, derivative, etc.) and metadata mapping to format incompatible documents to formatted ones.

Claims 147-149 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ching (US 6,078,901) in view of Hartnett (US 6,112,188).

Re. Claims 147, Ching discloses quantifying organization risk by element of value using at least a portion of the data, displaying the quantified risks using a paper document or electronic display, means for integrating data from said systems, means for quantifying organization risks by category of value using at least a portion of the data [see claim 1], and **where** the categories of value are selected from **the group consisting** of current operation, real options, market sentiment and combinations thereof and **where** the risks

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are selected from **the group consisting** of alliance risks, brand risks, channel risks, commodity price risks, consumer confidence level risks, contingent liabilities, customer risks, customer relationship risks, earthquake risks, employee risks, expected earnings risks, fire risks, flood risks, gross domestic product risks, inflation rate risks, insider trading risks, intellectual property risks, interest rate risks, partnership risks, process risks, production equipment risks, supply chain risks, unemployment rate risks, vendor risks, vendor relationship risks, volatility risks, weather risks and combinations thereof [see Re. claims 110-121, 134, 139 and 148 for Ching references]. Ching does not explicitly disclose **enterprise** transaction systems, and means for storing said data. However, Hartnett discloses these steps [Abstract; figures 1-3; C1 L4-26; C4 L38 to C5 L37; C14 L60 to C15 L10; C17 L8-L28; C21 L45 to C22 L32; C23 L1-L45; C24 L12-L36; C28 L42 to C29 L10; C35 L18 to C36 L35; C42 L31 to C43 L3] to include and enter transaction orders and transaction files into computer system database and stored in a transaction database suitable for processing by a digital computer system. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Ching and Hartnett and include **enterprise** transaction systems, and means for storing said data to be retrieved and used by other computers or in future.

Re. Claims 148-149, Ching further discloses **where** transaction systems are selected from **the group consisting** of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship

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management systems, channel management systems, intellectual property management systems, process management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, **enterprise** resource planning systems (ERP), material requirement planning systems (MRP), scheduling systems, quality control systems, purchasing systems and combinations thereof [C2 L57 to C3 L51; C4 L43 to C5 L38; C8 L11-67; C9 L66 to C12 L6; C8 L11-L32; C13 L22 to C18 L50; C30 L15-L23; C39 L50 to C40 L30; C48 L33 to C49 L18] and means for calculating the amount of capital available for risk reduction purchases using said data, means for identifying the optimal mix of risk reduction purchases and risk reduction activities given the quantified risks and available capital, and means for implementing the optimal mix of risk reduction products and risk reduction activities in an automated fashion [Figure 15-16, 18; C3 L3-L4; C11 L15-L30; C13 L20 to C18 L50; C20 L3-L5; C29 L9-L61].

Claims 150-156 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ching and Hartnett and further in view of Ranger.

Re. Claims 150-156, Neither **Ching** nor Hartnett discloses **where** the means for integrating data further comprises integrating data in accordance with a format defined by xml metadata using metadata mapping and conversion, **where** metadata mapping specifications are established using a metadata and conversion rules window, **where**

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some data is pre-specified for mapping and the data pre-specified for mapping are selected from **the group consisting** of component of value data, sub component of value data, known value driver data and combinations thereof, **where** the means integrating data from said systems in accordance with a format defined by xml metadata further comprises the use of independent software components to complete the integration, **where** one axis of each table is defined by the time periods that require data, **where** one axis of each table is defined by data from **the group consisting** of components of value, sub components of value, known value drivers, elements of value, non-relevant attributes and combinations thereof, and **where** the xml metadata format further comprises a network schema. However, method and apparatus for data integration disclosed by Ranger can perform the mention steps [see entire document particularly, Abstract; Figure 3, 5-14; C1 L15 to C2 L59; C3 L30-L38; C5 L42 to C6 L23; C9 L6 to C`0 L40; C12 L59 to C13 L5] to collect relevant information located at a plurality of sites and stored in plurality of incompatible formats according to configurable search strategies.

### ***Response to Arguments***

4. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

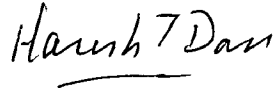
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

Art Unit: 3628

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Harish T Dass  
Examiner  
Art Unit 3628

A handwritten signature in cursive script that reads "Harish T Dass". The signature is written in dark ink and is positioned to the right of the printed name.

11/15/04



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,983	10/17/2000	Jeff S. Eder		2397

53787 7590 03/09/2006

ASSET TRUST, INC.  
2020 MALTBY ROAD  
SUITE 7362  
BOTHELL, WA 98021

EXAMINER

DASS, HARISH T

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/688,983

Applicant(s)

EDER, JEFF S.

Examiner

Harish T. Dass

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 157-181 and 201-213 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 157-181 and 201-312 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

Applicant has canceled all previous claims (1-156 and 182-200) and has introduced new claims (157-181 and 201-213).

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 157-181 and 201-213 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks patentable utility. The claims are directed to measuring risk using quantifying risks which includes such elements as brand, customer relationship, employee relationship, alliance, etc which are not quantifiable. How a brand is quantified? For example, who knew that GE brand will do better business than another company, or Google stocks will shoot to \$300. How these are quantified? Similarly, employee relation, alliance, etc. Is the quantifying these value are repeatable? If so how, how an ordinary skill in the art can use this invention and repeat the process and come to similar conclusion.

Provide examples of calculations. It is known that the companies are valued during merger and acquisitions which are just appraised.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:



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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 157-181 and 201-213 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant's specification does not explain:

How to measure plurality of risks?

identifying one or more risk management activities based upon said risks and calculating an amount of capital available for said risk management activities using at least a portion of said data.

How optimization is done?

How market value is computed?

Where in specification quantifying risk under scenarios .. is explained? What is normal and extreme scenario? Is it simply arbitrary assumption of historical risk verse an impact of unforeseen event? How it is quantified?

Where in specification learning is explained, how does the system learns?

How the enterprise value and risk is quantified?

Please provide clear examples (at least 3) how these activities are performed and clearly point out where in specification these limitations are addressed. Examples will help examiner to better understand the applicant's invention and focus on relevant

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search. Applicant's specification does not provide clear examples how the invention is exercised.

### ***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

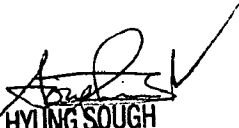
Art Unit: 3628

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass  
Examiner  
Art Unit 3628

3/6/06

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3628

<b>Office Action Summary</b>	Application No. 09/688,983	Applicant(s) EDER, JEFF S.	
	Examiner Harish T. Dass	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 157-181 and 201-213 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 157-181 and 201-312 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

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|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
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| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/5/06</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

In view of the Appeal Brief filed on April 11, 2006, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

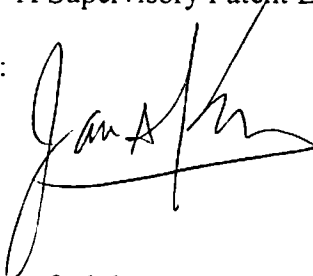
(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing

below:

\*\*\*.



#### **Status of claims:**

Claims 1-91 (original claims) canceled.

Claims 92-106 and 122-132 (amended claims) canceled.

Claims 1-156 (original and amended claims) canceled.

Claims 182-200 (amended claims) canceled.

Applicant has canceled all previous claims (1-156 and 182-200) and has introduced new claims (157-181 and 201-213).

Claims 157-181 and 201-213 are pending.

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 157-181 and 201-213, are rejected under 35 U.S.C. § 101 because the claimed invention is directed to a non-statutory subject matter.

Claims 157-181 and 201-213 do not produce a "concrete" result in the "A computer readable medium having sequences of instructions stored therein, which when executed cause the processor in a computer to perform a risk management optimization method" and "An advanced management method". The claims are directed to measuring risks using different known economical factors. The results (optimizing) in the present application do not produce concrete results. It is unclear how the present application expresses how the resulting optimization is being applied to risk management, and how is it used in representing such elements as: brand, customer

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relationship, employee relationship, alliance, etc which are not quantifiable. For example, is brand or market sentiment quantifiable? if so, is it repeatable?

The results of applicant's invention in arriving at a probable success factor is clearly not the same results found in *State Street Bank & Trust Co. V. Signature Financial group, Inc.*, 149 F 3d 1371; 47 USPQ 2d 1599 decided by the U.S. Courts of Appeals. "Today we hold the transformation of data representing discrete dollar amounts by a machine through a series of mathematical calculations into a final share price constitutes a practical application of a mathematical algorithm, formula or calculation because it produces a useful, concrete and tangible result, a final share price momentarily fixed for recording and reporting purposes". In the *State Street* case the "concrete, tangible, and useful results" is allocating money to different funds.

In the *AT&T v. Excel Communications* the useful, concrete, and tangible results is the claimed step of "producing message record for long distance telephone calls, enhanced by addition of Primary Interexchange Carrier (PIC) indicator". The system performs different calculations and the result facilitates differential billing of calls made by the subscriber to long distance service carrier.

In the present application, the disclosure is nothing more than generalities as to various risks and assessing and categorizing various risk factors. However, the disclosure is short on specifics as to explicitly how certain risk factors are determined. Specification lists numerous factors but there appears to be so many variables and subjective determinations to be made at each step of the calculation system.

**Furthermore**, it is unclear from the disclosure how the computer would be programmed

in order to take into account all of these subjective risks factors for calculating the risks and optimization **Although the instant** specification is replete with generalizations regarding the various factors to be taken into consideration, it is short on any specific direction or guidance as to actually gathering the necessary data, inputting the required data and programming a computer to achieve the desired results. Further, the specification lacks guidance as to how the resulting optimization is being applied in every case and combination. There is no indication in the specification of how the composite factors (elements) are used (picked by trial, error and/or emotion) to evaluate the risk/strength of a specific intellectual property, brand, etc. A manipulation of risk factors, without affecting the result of actual determination of optimization, is not of itself patentable.

Therefore, it is clear from the definition of "concrete" and the analysis of the disclosed elements (Brand, sentiment value, etc) and the claimed limitations of the present invention mentioned above that the disclosure of the present invention is nothing more than generalizations regarding the various factors to be taken into consideration, and it is short on any particular or specific direction or guidance in achieving the desired results and in providing a concrete result which should be repeatable. Consequently, the claims are analyzed based upon the underlying process and thus rejected as being directed to a non-statutory process.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:



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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 157-181 and 201-213 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or Use the invention.

In particular, the disclosure is nothing more than generalities as to various risks and assessing and categorizing various risk factors. Various factors are combined to optimize risk management without providing systematic means to achieve risk management optimization. In the present application, the disclosure is nothing more than generalities as to various risks and assessing and categorizing various risk factors. However, the disclosure is short on specifics as to explicitly how certain risk factors are determined. The specification lists numerous factors, but there appears to be so many variables and subjective determinations to be made at each step of the calculation system. **Furthermore**, it is unclear from the disclosure how the computer would be programmed, without undue experimentation, to convert text and essay questions and responses into computer data and in order to take into account all of these subjective risk factors, which the calculation process appears to entail. **Although the instant** specification is replete with generalizations regarding the various factors to be taken into consideration, it is short on any specific direction or guidance as to actually gathering the necessary data, inputting the required data and programming a computer to achieve the desired results. Further, the specification lacks guidance as to how to use the

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optimization in every case and combined. There is no indication in the specification of how the composite factors (elements) are used (picked by trial, error and/or emotion) to evaluate the strength of a specific intellectual property, brand, etc. A manipulation of risk factors, without the means to effect the actual determination of optimization, is not of itself patentable. There is no indication in the specification of how the elements are combined for evaluation of risks, the elements are randomly picked if so they are repeatable.

Applicant's specification does not explain: How to measure plurality of risks? Identifying one or more risk management activities based upon said risks and calculating an amount of capital available for said risk management activities using at least a portion of said data. Explain how optimization is done. How market value is computed. Also where in specification quantifying risk under scenarios ... is explained? What is normal and extreme scenario? Is it simply arbitrary assumption of historical risk verse an impact of unforeseen event? How it is quantified? Where in the specification is learning being explained. How does the system learns? How the enterprise value and risks are quantified? Applicant is requested to provide clear explanations how these activities are performed and to clearly point out where in specification these limitations are defined or described. Examples will help examiner to better understand the applicant's invention and focus on relevant search. Applicant's specification does not provide clear description how the invention is exercised.

***Claim Objections***

3. Claims 212-213 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 212 and 213 are improper dependent claims, the claims are dependent on claim 214, which is not claimed (does not exist).

***Double Patenting***

4. Claim 211 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 204. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 157, 159-163, 165-167, 169, 171-176, 178-180 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baseman et al. (hereinafter Baseman – US 6,671,673) in view of Tamayo et al. (hereinafter Tamayo – US 6,836,773).

Re. Claim 157, Baseman discloses Baseman measuring a plurality of risks using at least a portion of said data [Abstract; col. 1 lines 7-10, 25-30 (various performance measures); col. 6 lines 22-33];  
identifying one or more risk management activities based upon said risks [col. 6 lines 22-33; col. 14 lines 37-49];

calculating an amount of capital available for said risk management activities using at least a portion of said data [col. 2 line 49 to col. 3 line 18, 35-45 (investment planning, budgets, hedging); col. 8 lines 9-15; col. 11 lines 32-33 (investment analysis)];  
and,

determining a combination of risk management activities that optimizes aspects of enterprise financial performance selected from the group consisting of market value, risk and combinations thereof within a constraint of the available capital [col. 11 lines 17-40; col. 27 lines 17-32, 58-63; col. 28 lines 16-25 (risk) (maximize shareholder value)].

Baseman does not explicitly disclose preparing data from a plurality of enterprise transaction systems for use in processing.

Tamayo discloses preparing data from a plurality of enterprise transaction systems for use in processing [col.1 lines 37-47; col. 2 line 8-12, 22-24] to automatically collect and integrate data from different sources to be use in process of generating prediction or recommendation cost effectively (col. 3 line 10). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to

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modify the disclosure of Baseman and include preparing data from a plurality of enterprise transaction systems for use in processing, as discloses by Tamayo, to collect data from enterprise wide system and format (prepare) different types for addressing risk management.

Re. Claim 159, Baseman discloses wherein a market value further comprises one or more categories of value selected from the group consisting of an current operation, real option, market sentiment and combinations thereof [col. 5 lines 32-41].

Re. Claims 160-162, Baseman discloses wherein a risk management activity is selected from the group consisting of establishing one or more risk management control systems, completing one or more risk transfer transactions and combinations thereof [col. 6 lines 22-40; col.7lines 20-33], wherein establishing each of one or more risk management control systems further comprises identifying a risk reduction activity and optionally establishing a method for implementing said activity in an automated fashion [col. 10 lines 12-43], and wherein completing one or more risk transfer transactions further comprises completing activities selected from the group consisting of insurance purchases, derivate transactions, and combinations thereof [col. 5 lines 32-55; col. 15 lines 6-14 (options = financial instrument) insurance and underwriting are known for transfer of risks].

Re. Claim 163, Baseman discloses developing a computational model of organization market value by category of value, element of value and external factor by completing a series of multivariate analyses in an automated fashion using at least a portion of the data, and *quantifying* a plurality of risks by a category of value using said model, where a category of value is selected from the group consisting of current operation, real option, market sentiment and combinations thereof [B – col. 17 lines 35-38; col. 8 lines 16-27; [B – col. 17 lines 35-38; col. 8 lines 16-27 and see supra].

Re. Claim 165, Baseman discloses an optimization of aspects of financial performance selected from the group consisting of current operation value, real option value, market sentiment value and combinations thereof [col. 1 lines 25-38; col. 3 lines 35-40].

Re. Claim 166, Baseman discloses determining an optimal combination of risk management activities further comprises using a method selected from the group consisting of quasi Monte Carlo, genetic algorithm, multi-criteria optimization and linear programming [col. 8 lines 16-42].

Re. Claim 167, Basemane discloses using one or more shadow prices from a linear programming optimization calculation to identify an optimal budget for risk management activities [col. 12 lines 30-51].

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Re. Claim 169, Baseman discloses Baseman measure a plurality of risks using at least a portion of said data [Abstract; col. 1 lines 7-10, 25-30 (various performance measures); col. 6 lines 22-33],

identify one or more risk management activities based upon said risks [col. 17 lines 35-38; col. 8 lines 16-27 and supra];

calculate an amount of capital available for said risk management activities using at least a portion of said data [col. 2 line 49 to col. 3 line 18, 35-45 (investment planning, budgets, hedging); col. 8 lines 9-15; col. 11 lines 32-33 (investment analysis)], and

determine a combination of risk management activities that optimizes aspects of enterprise financial performance selected from the group consisting of market value, risk and combinations thereof within one or more constraints of the available capital [col. 11 lines 17-40; col. 27 lines 17-32, 58-63; col. 28 lines 16-25 (risk) (maximize shareholder value)].

Baseman does not explicitly disclose networked computers each with a processor having circuitry to execute instructions, a storage device available to each processor with sequences of instructions stored therein, which when executed cause the processors to, prepare data from a plurality of enterprise transaction systems for use in processing. Tamayo discloses networked computers each with a processor having circuitry to execute instructions [col. 5 lines 7-11; col. 6 line 50 to col. 7 line 3], a storage device available to each processor with sequences of instructions stored therein, which when executed cause the processors to [col. 7 lines 4-27],

prepare data from a plurality of enterprise transaction systems for use in

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processing [col. 2 lines 4-9; 22-24] to automatically collect and integrate data from different sources to be use in process of generating prediction or recommendation cost effectively. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Baseman and include preparing data from a plurality of enterprise transaction systems for use in processing, as discloses by Tamayo, to collect data form enterprise wide system and format (prepare) different types for addressing risk management.

Re. Claim 171, Baseman wherein a market value further comprises one or more categories of value selected from the group consisting of an current operation, real option, market sentiment and combinations thereof [col. 5 lines 32-41].

Re. Claims 172-174, Baseman discloses wherein a risk management activity is selected from the group consisting of establishing one or more risk management control systems, completing one or more risk transfer transactions and combinations thereof [col. 6 lines 22-40; col.7lines 20-33], wherein establishing each of one or more risk management control systems further comprises identifying a risk reduction activity and optionally establishing a method for implementing said activity in an automated fashion [col. 10 lines 12-43] and wherein completing one or more risk transfer transactions further comprises completing activities selected from the group consisting of insurance purchases, derivate transactions, and combinations thereof [col. 5 lines 32-55; col. 15



lines 6-14 (options = financial instrument) insurance and underwriting are known for transfer of risks].

Re. Claim 175, Baseman discloses developing a computational model of organization market value by category of value, element of value and external factor by completing a series of multivariate analyses in an automated fashion using composite applications and at least a portion of the data, and *quantifying* a plurality of risks by a category of value using said model, where a category of value is selected from the group consisting of current operation, real option, market sentiment and combinations thereof [col. 17 lines 35-38; col. 8 lines 16-27; [col. 17 lines 35-38; col. 8 lines 16-27 and see supra].

Re. Claim 176, Baseman discloses wherein a series of multivariate analyses are selected from the group consisting of identifying one or more previously unknown item performance indicators, discovering one or more previously unknown value drivers, identifying one or more previously unknown relationships between one or more value drivers, identifying one or more previously unknown relationships between one or more elements of value, *quantifying* one or more inter relationships between value drivers, *quantifying* one or more impacts between elements of value, developing one or more composite variables, developing one or more vectors, developing one or more causal element impact summaries, identifying a best fit combination of predictive model algorithm and element impact summaries for modeling enterprise market value and each of the components of value, building predictive models using transaction data,

determining a net element of value impact for each category of value, determining a relative strength of the elements of value between two or more enterprises, developing one or more real option discount rates, calculating one or more real option values, calculating an enterprise market sentiment value by element, developing a covariance matrix, developing a series of scenarios, simulating a financial performance under a given scenario and combinations thereof [col. 13 lines 12-40; col. 20 lines 1-36; col. 25 lines 41-53; col. 27 line 58 to col. 28 line 15].

Re. Claim 178, Baseman discloses an optimization of aspects of financial performance selected from the group consisting of current operation value, real option value, market sentiment value and combinations thereof [col. 17 lines 35-38; col. 8 lines 16-27; [B – col. 17 lines 35-38; col. 8 lines 16-27 and see supra].

Re. Claim 179, Baseman discloses where determining an optimal combination of risk management activities further comprises using a method selected from the group consisting of quasi Monte Carlo, genetic algorithm, multi-criteria optimization and linear programming [col. 8 lines 16-42].

Re. Claim 180, Baseman discloses using one or more shadow prices from a linear programming optimization calculation to identify an optimal budget for risk management activities [col. 12 lines 30-51].

Claims 201-202, 204, 207, 209, 211 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baseman in view of Tamayo and Ching (US 6,078,901).

Re. Claim 201, Baseman discloses *quantify* a tangible impact for a plurality of risks [col. 6 lines 22-33; col. 11 lines 17-40; col. 5 lines 32-41].

Tamayo discloses aggregating and preparing data from a plurality of enterprise related systems for use in processing [col. 1 lines 37-47; col. 2 lines 2-5, 22-24], and leaning from at least a portion of the data [col. 8 line 65 to col. 9 line 2; col. 21 lines 46-55; col. 22 lines 13-17; col. 23 lines 49-60] to incrementally build on top of data stream and adopt better trends and changing conditions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Baseman and include preparing data from a plurality of enterprise transaction systems for use in processing, as discloses by Tamayo, to collect data form enterprise wide system and format (prepare) different types for addressing risk management and incrementally build on top of data stream and adopt better trends and changing conditions for addressing risk.

Ching discloses one or more elements of value on one or more subsets of value selected from the group consisting of a category of value, a component of value and combinations thereof where one or more elements of value are selected from the group consisting of alliances, brands, customers, customer relationships, employees, employee relationships, infrastructure, intellectual property, information technology,

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partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof, and where a plurality of risks are selected from the group consisting of event risks, contingent liabilities, volatility and combinations thereof [col. 13 lines 20 to col. 18 (see categories - intellectual property, balance sheet, copyright), options on future contracts, option theory, risk, risk assessment); col. 40 lines 11-19; col. 29 lines 59-60] to drive value based on deterministic solution and mathematical relations between all the market factors and economically reasonable inputs (col. 11). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Baseman and Tamayo and include the above elements of value (all economical reasonable inputs), as disclosed by Ching, to drive value based on deterministic solution and mathematical relations between all the market factors and economically reasonable inputs.

Re. Claim 202, Baseman discloses identifying one or more risk management activities based upon one or more *quantified* risks [col. 6 lines 22-33; col. 14 lines 37-49], calculating an amount of capital available for said risk management activities using at least a portion of said data [col. 2 line 49 to col. 3 line 18, 35-45 (investment planning, budgets, hedging); col. 8 lines 9-15; col. 11 lines 32-33], and determining a combination of risk management activities that optimizes aspects of enterprise financial performance selected from the group consisting of market value, risk and combinations thereof within a constraint of the available capital [col. 11 lines

17-40; col. 27 lines 17-32, 58-63; col. 28 lines 16-25 (risk) (maximize shareholder value)].

Re. Claim 204, Baseman discloses wherein a category of value is selected from the group consisting of current operation, real option, market sentiment and combinations thereof and a component of value is selected from the group consisting of revenue, expense, capital and combinations thereof [col. 5 lines 32-41, see supra].

Re. Claim 207, Baseman discloses analyzing at least a portion of the data as required to *quantify* an enterprise value and risk [col. 17 lines 35-38; col. 8 lines 16-27; [B – col. 17 lines 35-38; col. 8 lines 16-27 and see supra]. Tamayo discloses aggregating and preparing data from a plurality of enterprise related systems for use in processing [col. 1 lines 37-47; col. 2 lines 2-5, 22-24] to automatically collect and integrate data from different sources to be use in process of generating prediction or recommendation cost effectively (col. 3 line 10). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Baseman and include preparing data from a plurality of enterprise transaction systems for use in processing, as discloses by Tamayo, to collect data form enterprise wide system and format (prepare) different types for addressing risk management.

Ching discloses by one or more subsets of value selected from the group consisting of a category of value, a component of value, an element of value and combinations thereof

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where an element of value is selected from the group consisting of alliances, brands, customers, customer relationships, employees, employee relationships, Infrastructure, intellectual property, information technology, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof, where an enterprise value further comprises a market value, and where an enterprise risk further comprises a sum of a plurality of risks selected from the group consisting of event risks, contingent liabilities, volatility and combinations thereof [col. 13 lines 20 to col. 18 (see categories - intellectual property, balance sheet, copyright), options on future contracts, option theory, risk, risk assessment); col. 40 lines 11-19; col. 29 lines 59-60] to drive value based on deterministic solution and mathematical relations between all the market factors and economically reasonable inputs (col. 11). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Baseman and Tamayo and include the above elements of value (all economical reasonable inputs), as disclosed by Ching, to drive value based on deterministic solution and mathematical relations between all the market factors and economically reasonable inputs.

Re. Claim 209, Baseman discloses identifying one or more risk management activities based upon one or more *quantified* risks [col. 6 lines 22-33; col. 14 lines 37-49];

calculating an amount of capital available for said risk management activities using at least a portion of said data [col. 2 line 49 to col. 3 line 18, 35-45 (investment planning, budgets, hedging); col. 8 lines 9-15; col. 11 lines 32-33 – see supra];

and  
determining a combination of risk management activities that optimizes aspects of enterprise financial performance selected from the group consisting of market value, risk and combinations thereof within a constraint of the available capital [col. 11 lines 17-40; col. 27 lines 17-32, 58-63; col. 28 lines 16-25 (risk) (maximize shareholder value)].

Re. Claim 211, Baseman discloses wherein a category of value is selected from the group consisting of current operation, real option, market sentiment and combinations thereof and a component of value is selected from the group consisting of revenue, expense, capital and combinations thereof [col. 5 lines 32-41, see supra].

Claims 158, 164, 170, 177, are rejected under 35 U.S.C. 103(a) as being unpatentable over Baseman and Tamayo, as applied to claims 157, 163, 169 above, and further in view of Packwood (US 7,006,992).

Re. Claim 158, Packwood discloses *quantifying* risks under scenarios selected from the group consisting of normal (acceptable), extreme (unacceptable) and combinations thereof [Abstract; col. 1 lines 25-31, 45-46 ("different risks to a business "); col. 5 lines 56-62 and example]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Baseman, Tamayo and include the above feature, as disclosed by Packwood, to identify a series of predetermined risk factors which are quantified with a measurable characteristic.

Re. Claim 164, Packwood discloses wherein the method further comprises *quantifying* risk by element of value and external factor where the elements of value are selected from the group consisting of alliances, brands, customers, customer relationships, employees, employee relationships, infrastructure, intellectual property, information technology, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof [Abstract; col. 1 lines 25-31, 45-46 ("different risks to a business "); col. 5 lines 56-62 and example]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Baseman, Tamayo and include the above feature, as disclosed by Packwood, to identify a series of predetermined risk factors which are quantified with a measurable characteristic.

Re. Claim 170, Packwood discloses wherein measuring a plurality of risks further comprises *quantifying* risks under scenarios selected from the group consisting of normal, extreme and combinations thereof [Abstract; col. 1 lines 25-31, 45-46 ("different risks to a business "); col. 5 lines 56-62 and example]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Baseman, Tamayo and include the above feature, as disclosed by Packwood, to identify a series of predetermined risk factors which are quantified with a measurable characteristic.



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Re. Claim 177, Packwood discloses wherein the method further comprises *quantifying* risk by element of value and external factor where the elements of value are selected from the group consisting of alliances, brands, customers, customer relationships, employees, employee relationships, infrastructure, Intellectual property, information technology, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof [Abstract; col. 1 lines 25-31, 45-46 ("different risks to a business "); col. 5 lines 56-62 and example]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Baseman, Tamayo and include the above feature, as disclosed by Packwood, to identify a series of predetermined risk factors which are quantified with a measurable characteristic.

Claims 205, 210 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baseman, Tamayo, and Ching as applied to claims 201, 207 above, and further in view of Packwood.

Re. Claim 205, Packwood discloses wherein *quantifying* a plurality of risks further comprises *quantifying* risks under scenarios selected from the group consisting of normal, extreme and combinations thereof [Abstract; col. 1 lines 25-31, 45-46 ("different risks to a business "); col. 5 lines 56-62 and example]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the

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disclosure of Baseman, Tamayo, Ching and include the above feature, as disclosed by Packwood, to identify a series of predetermined risk factors which are quantified with a measurable characteristic.

Re. Claim 210, Packwood discloses wherein *quantifying* an impact for plurality of risks further comprises *quantifying* an impact for a plurality of risks under scenarios selected from the group consisting of normal, extreme and combinations thereof [Abstract; col. 1 lines 25-31, 45-46 ("different risks to a business "); col. 5 lines 56-62 and example]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Baseman, Tamayo, Ching and include the above feature, as disclosed by Packwood, to identify a series of predetermined risk factors which are quantified with a measurable characteristic.

Claims 168, 181 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baseman and Tamayo, as applied to claim 157, 169 above, and further in view of Ranger (US 6,301,584).

Re. Claim 168, Ranger discloses using metadata mapping to convert, integrate and store a plurality of enterprise related data from a plurality of enterprise related systems in accordance with a metadata standard where a metadata standard is selected from the group consisting of xml and metadata coalition specification and a metadata

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mapping table is used to support the integration, conversion and storage of data [col. 3 lines 30-38; col. 5 line 42 to col. 6 line 23; col. 10 lines 1-40; col. 12 line 59 to col. 13 line 5] to collect relevant information located at a *plurality* of sites and stored in *plurality* of incompatible formats according to configurable search strategies. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Baseman and Tamayo and Ranger and include using metadata mapping to extract data from data sources and integrate into a model and present to the user in improved and different format.

Re. Claim 181, Ranger discloses converting and storing a plurality of enterprise related data from a plurality of enterprise related systems in accordance with an xml or metadata coalition metadata standard [col. 3 lines 30-38; col. 5 line 42 to col. 6 line 23; col. 10 lines 1-40; col. 12 line 59 to col. 13 line 5] to collect relevant information located at a *plurality* of sites and stored in *plurality* of incompatible formats according to configurable search strategies. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Baseman and Tamayo and Ranger and include using metadata mapping to extract data from data sources and integrate into a model and present to the user in improved and different format.

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Claims 203, 206, 208 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baseman and Tamayo, as applied to claim 201, 207, above, and further in view of Ranger (US 6,301,584).

Re. Claim 203, Ranger discloses wherein aggregating and preparing data from a plurality of enterprise related systems for use in processing, further comprises using metadata mapping to integrate and store data from said systems in accordance with a common schema [col. 3 lines 30-38; col. 5 line 42 to col. 6 line 23; col. 10 lines 1-40; col. 12 line 59 to col. 13 line 5] to collect relevant information located at a *plurality* of sites and stored in *plurality* of incompatible formats according to configurable search strategies. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Baseman, Tamayo, Ching and Ranger and include using metadata mapping to extract data from data sources and integrate into a model and present to the user in improved and different format.

Re. Claim 208, Ranger discloses wherein aggregating and preparing data from a plurality of enterprise related systems for use in processing, further comprises using metadata mapping to integrate, convert and store date from said systems in accordance with a common schema [col. 3 lines 30-38; col. 5 line 42 to col. 6 line 23; col. 10 lines 1-40; col. 12 line 59 to col. 13 line 5] to collect relevant information located at a *plurality* of sites and stored in *plurality* of incompatible formats according to configurable search strategies. It would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to combine the disclosures of Baseman, Tamayo, Ching and Ranger and include using metadata mapping to extract data from data sources and integrate into a model and present to the user in improved and different format.

Re. Claim 206, Baseman discloses wherein a risk management activity is selected from the group consisting of establishing one or more risk management control systems, completing one or more risk transfer transactions and combinations thereof [col. 6 lines 22-40; col.7 lines 20-33].

### ***Conclusion***

Claims 157-181 and 201-213 are rejected.

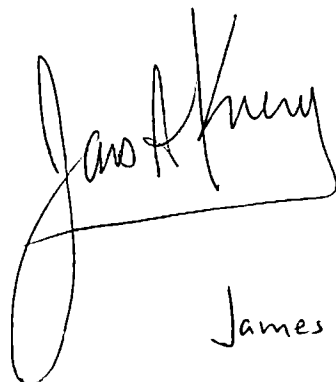
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass  
Examiner  
Art Unit 3693

12/18/06

  
12/22/06  
James Kramer



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,670	01/18/2001	Jeffrey Scott Eder		5377
29051	7590	10/11/2005		
JEFF EDER 19108 30TH DRIVE SE MILL CREEK, WA 98012				
EXAMINER CHENCINSKI, SIEGFRIED E				
ART UNIT 3628				
PAPER NUMBER				
DATE MAILED: 10/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

*Office Action Summary*

Application No.

09/761,670

Applicant(s)

EDER, JEFFREY SCOTT

Examiner

Siegfried E. Chencinski

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 43-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/18/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**1. Claims 54-62 and 64-66 are rejected** under 35 U.S.C. 102(b) as being anticipated by Sandretto (US Patent 5,812,988).

**Re. claims 43, 54 & 67,** Sandretto anticipates a firm analysis method, framework and medium, comprising aggregating firm related data from a plurality of systems in accordance with a common data dictionary using at least a portion of the data to generate network models which connect one or more current elements of value of said firm to one or more aspects of financial performance of said firm (Col. 8, ll. 52-59), said network models being further comprised of:

- one or more input nodes, hidden nodes and output nodes where each input node represents an element of value and each output node represents an aspect of financial performance (Sandretto, Col. 9, ll. 40-41. The input and output nodes are inherent or obvious), and
- a plurality of relationships where each relationship is a function of an impact of each element on other elements of value or an aspect of financial performance (Col. 8, l. 52 – Col. 9, l. 20);
- modifying said network models using one or more future scenarios, each scenario serving to modify the elements of value with consequent effects on the relationships and aspects of financial performance (Col. 8, ll. 66-67), and
- evaluating the scenarios in light of their impact on aspects of financial performance to determine which scenarios should be pursued (Col. 8, l. 64 – Col. 9, l. 20).

**Re. Claims 44, 55 & 68,** Sandretto anticipates one or more aspects of financial performance based on market value (Col. 9, ll. 11, 13, 30).

**Re. Claims 45, 56 & 69,** Sandretto anticipates network models which comprise: a summary of value drivers by element of value applied to each of said input nodes, where said summaries summarize the impact of each of said elements of value on one or more aspects of financial performance, the other elements of value and combinations thereof (Col. 9, 14-16).

**Re. Claims 46, 57 & 70,** Sandretto anticipates where one or more weights from a best fit model are used to identify a net impact of each element of value on a component of value selected from the group consisting of revenue, expense, capital change and combinations thereof (Col. 9, ll. 16-20, 56-57).

**Re. Claims 47, 58 & 71,** Sandretto anticipates comprising means for training best fit network models that identify a relative impact of each element on each of the components of value where one or more weights from the best fit models are used to identify a relative contribution of each element of value to each component of value net of any impact on the other elements of value (Col. 11, ll. 43-56).

**Re. Claims 48, 59 & 72,** Sandretto anticipates means for training one or more best fit network models that identify a relative impact of each element of value on market value where one or more weights from the best fit model are used to identify a relative contribution of each element of value to market value (Col. 9, ll. 11, 13, 30).

**Re. Claims 49, 60 & 73,** Sandretto anticipates where a plurality of relationships are quantified for a specified point in time within a sequential series of points in time (Col. 10, ll. 1-7).

**Re. Claims 53, 61 & 74,** Sandretto anticipates where a relative contribution to one or more components of value is combined with a present value of said components of value to determine a current operation value of each element of value (Col. 9, ll. 7-9).

**Re. Claims 51, 62 & 75,** Sandretto anticipates the element of value of employees (Col. 16, ll. 27-30).

**Re. Claims 64 & 77,** Sandretto anticipates a firm as a company (Col. 2, ll. 22-26).

**Re. Claims 65 & 78** Sandretto anticipates different scenarios are optionally valued and

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displayed using an electronic display (Col. 15, l. 30).

**Re. Claims 66 & 79**, Sandretto anticipates where firm related data includes data captured from an accounting and human resource system, (Col. 10, ll. 1-7).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 52, 63 and 76 are rejected** under 35 U.S.C. 103(a) as being disclosed by Sandretto in view of Jost et al. (US Patent 5,361,201, hereafter Jost).

**Re. Claim 52, 63 & 76**, Sandretto does not explicitly disclose a method of claim 54 where network models further comprise neural network models. However, Jost discloses neural network models (abstract- l. 3; Col. 1, l. 7-10; Col. 2, ll. 30-35). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Sandretto with the art of Jost in order to provide a valuation method and system which makes use of neural network modeling, motivated by a desire to provide accurate estimates of financial value (Jost, Col. 2, ll. 17-20).

### ***Conclusion***

**3.** Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on (571) 272-6799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

*Commissioner of Patents and Trademarks, Washington D.C. 20231*


or (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

September 30, 2005

  
P. [illegible]  
Au 3628

<b>Office Action Summary</b>	Application No. 09/761,670	Applicant(s) EDER, JEFFREY SCOTT	
	Examiner Siegfried E. Chencinski	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 43-88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/16/05, 12/31/05</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS-PTO-1449 - 12/31/05</u> .          |

## DETAILED ACTION

### *Specification*

1. The amendments to the first paragraph of the specification filed October 5, 2005 and December 5, 2005 have not been entered because they not conform to 37 CFR 1.125(b) and (c) because the later of the two time deadlines expired several years ago. At this time the only option available to an Applicant is to file a petition according to MPEP guidelines to have any of the proposed prior applications considered for a benefit claim to the instant application (see 37 CFR 1.78(A)(2) AND (a)(5)). (MPEP 1893.03(c)).

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claims 43-88 are rejected under 35 U.S.C. 101** because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

1) In the claim, the practical application of an algorithm or idea results in a useful, concrete, tangible result.

In this case, the claims do not produce a useful, concrete, tangible result because the claimed method is merely a conceptual framework. The limitations are made up of the evolving of a plurality of network models with input nodes, hidden nodes and output nodes, and relationships with degrees of influence and elements of value. All of these together are essentially vague and cannot even be considered an algorithm, which, in any case, as presented, fails to not even produce a useful, concrete, tangible quantitative result. In addition, court interpretations of the statute require that output in specific applications be claimed. Having such applications in the specification is insufficient. Further, even the most detailed disclosure in the specification fails to

present a method and system where the results can be replicated by others because qualitative judgments are involved in the method such that even the same practitioner seems unlikely to be able to replicate the same result for the same case in multiple iterations of operating the model. An ordinary practitioner of the art would be unable to make productive use of the claimed invention(s).

**Claims 43-88 are also rejected under 35 U.S.C. 112, first paragraph.**

Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**3. Claims 43-88 are rejected under 35 U.S.C. 112, first paragraph,** as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For an application in this case, see the rejection under 35 USC 101.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**4. Claims 43-88 are rejected under 35 U.S.C. 112, second paragraph,** as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are the steps which would lead an ordinary practitioner of the art to successfully apply the invention to produce a concrete, reproducible quantitative valuation result of a firm.

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**5. Claims 85 and 88 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The expressions "intelligent" in claim 85 and "direct effects" and "indirect effects" in claim 88 appear for the first time in these two claims added by amendment after the first Office Action. They do not appear in the disclosure.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**6. Claims 43-49, 51, 53-62 and 64-66 are rejected** under 35 U.S.C. 102(e) as being anticipated by Sandretto (US Patent 5,812,988).

**Re. claims 43, 54 & 67**, Sandretto anticipates a firm analysis method, framework and medium, comprising:

- aggregating firm related data from a plurality of systems in accordance with a common data dictionary using at least a portion of the data to generate network models which connect one or more current elements of value of said firm to one or more aspects of financial performance of said firm (Col. 8, ll. 52-59), said network models being further comprised of:
- a computer with a processor, having circuitry to execute instructions; a storage device available to said processor with sequences of instructions stored therein, which when executed cause the processor to: obtain a plurality of data related to a value of a business enterprise in a format suitable for processing (Col. 15, ll. 23-67).
- one or more input nodes, hidden nodes and output nodes where each input node represents an element of value and each output node represents an aspect of financial performance (Sandretto, Col. 9, ll. 40-41. The input and output nodes are



inherent or obvious), and

- a plurality of relationships where each relationship is a function of an impact of each element on other elements of value or an aspect of financial performance (Col. 8, l. 52 – Col. 9, l. 20);
- modifying said network models using one or more future scenarios, each scenario serving to modify the elements of value with consequent effects on the relationships and aspects of financial performance (Col. 8, ll. 66-67), and
- evaluating the scenarios in light of their impact on aspects of financial performance to determine which scenarios should be pursued (Col. 8, l. 64 – Col. 9, l. 20).

**Re. Claims 44, 55 & 68,** Sandretto anticipates one or more aspects of financial performance based on market value (Col. 9, ll. 11, 13, 30).

**Re. Claims 45, 56 & 69,** Sandretto anticipates network models which comprise: a summary of value drivers by element of value applied to each of said input nodes, where said summaries summarize the impact of each of said elements of value on one or more aspects of financial performance, the other elements of value and combinations thereof (Col. 9, 14-16).

**Re. Claims 46, 57 & 70,** Sandretto anticipates where one or more weights from a best fit model are used to identify a net impact of each element of value on a component of value selected from the group consisting of revenue, expense, capital change and combinations thereof (Col. 9, ll. 16-20, 56-57).

**Re. Claims 47, 58 & 71,** Sandretto anticipates comprising means for training best fit network models that identify a relative impact of each element on each of the components of value where one or more weights from the best fit models are used to identify a relative contribution of each element of value to each component of value net of any impact on the other elements of value (Col. 11, ll. 43-56).

**Re. Claims 48, 59 & 72,** Sandretto anticipates means for training one or more best fit network models that identify a relative impact of each element of value on market value where one or more weights from the best fit model are used to identify a relative contribution of each element of value to market value (Col. 9, ll. 11, 13, 30).

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**Re. Claims 49, 60 & 73**, Sandretto anticipates where a plurality of relationships are quantified for a specified point in time within a sequential series of points in time (Col. 10, ll. 1-7).

**Re. Claims 53, 61 & 74**, Sandretto anticipates where a relative contribution to one or more components of value is combined with a present value of said components of value to determine a current operation value of each element of value (Col. 9, ll. 7-9).

**Re. Claims 51, 62 & 75**, Sandretto anticipates the element of value of employees (Col. 16, ll. 27-30).

**Re. Claims 64 & 77**, Sandretto anticipates a firm as a company (Col. 2, ll. 22-26).

**Re. Claims 65 & 78** Sandretto anticipates different scenarios are optionally valued and displayed using an electronic display (Col. 15, l. 30).

**Re. Claims 66 & 79**, Sandretto anticipates where firm related data includes data captured from an accounting and human resource system, (Col. 10, ll. 1-7).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 52, 63 and 76 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Sandretto in view of Jost et al. (US Patent 5,361,201, hereafter Jost).

**Re. Claim 52, 63 & 76**, Sandretto does not explicitly disclose a method where network models further comprise neural network models. However, Jost discloses neural network models (Abstract- l. 3; Col. 1, l. 7-10; Col. 2, ll. 30-35). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Sandretto with the art of Jost in order to provide a valuation method and system which makes use of neural network modeling, motivated by a desire to provide accurate estimates of financial value (Jost, Col. 2, ll. 17-20).

**8. Claims 80-85, 87 and 88 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Sandretto.

**Re. Claims 80-84, Sandretto discloses:**

**Re. Claim 80,** a firm analysis method, framework and medium (see the above rejections of claims 43, 54 & 67). In so doing, Sandretto also discloses an enterprise data integration method, comprising accessing a plurality of enterprise transaction data via an interface coupled to a plurality of data sources, and converting said transaction data to a common schema using an application software segment, and storing said converted data in a database for use in processing, where a plurality of sources further comprise databases for systems selected from the group consisting of a basic financial system, a human resource system, an advanced financial system, a sales system, an operations system, an accounts receivable system, an accounts payable system, a capital asset system, an inventory system, an invoicing system, a payroll system, a purchasing system and combinations thereof (Col. 9, ll. 40-41; Col. 10, ll. 1-7; Col. 14, l. 30 – Col. 15, l. 19; Fig's 1-14). Sandretto discloses in these and other sections of the patent how he integrates data from a multiplicity of databases and models to generate an analysis of a firm. The schematics show how the pieces are fit together in integrating the data and perform the analysis.

**Re. Claim 81,** an enterprise data integration method. Sandretto does not explicitly disclose a plurality of relational databases where said databases use different data formats. However, relational databases using different data formats were well known within the art at the time of Applicant's invention. They are implicitly in use in Sandretto's disclosure.

**Re. Claim 82,** a network connection (Col. 15, ll. 59-63; Fig's 1A).

**Re. Claim 83,** an enterprise data integration method. Sandretto does not explicitly disclose a network schema with a common data dictionary where said common data dictionary defines common attributes selected from the group consisting of elements of value, components of value, currencies, units of measure, time periods, dates and combinations thereof. However, a network schema and a data dictionary were well known and necessary

data processing system tools used for projects such as enterprise data integration. As such, they are implicitly in used in Sandretto's disclosure.

**Re. Claim 84**, the conversion and storage of data before processing begins. Conversion and storage of data before processing begins are implicit to Sandretta's disclosure since they are necessary steps in operating Sandretta's system.

**Re. Claims 80-84**, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have used Sandretto's disclosure with the practitioner's own knowledge to make obvious adjustments in order to produce an enterprise data integration method, motivated by the desire to offer a valuation model which fully utilizes current information that affects asset risk and which can be used for virtually any asset and potential asset (Sandretto, Col. 9, ll. 56-67).

**Re. Claim 85**, Sandretta discloses an intelligent method for analyzing commerce data using a computer, comprising: identifying a set of data required for analyzing a commercial enterprise, preparing the identified set of data for use in analysis, analyzing at least a portion of said data in an automated fashion as required to identify one or more statistics selected from the group consisting of pattern, trend, ratio, average, elapsed time period, percentage, variance, standard deviation, monthly total and combinations thereof, and using at least a portion of said statistics and data to develop a model of enterprise financial performance using automated learning. (Sandretta's steps 1 through ten, and then additional alternative steps (1) through (6) include these steps, followed by multiple iterations. These are the characteristics of an automated learning process (Col. 10, ll. 1-Col. 12, l. 55). Sandretto's general methodology and objectives are outlined in Col. 8, l. 52 – Col. 9, l. 67.

It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have used Sandretto's disclosure combined with the practitioner's own knowledge to make obvious adjustments in order to produce an intelligent method for analyzing commerce data using a computer, motivated by the desire to offer a valuation model which fully utilizes current information that affects asset risk and which can be used for virtually any asset and potential asset (Sandretto, Col. 9, ll. 56-67).

**Re. claims 87 & 88**, Sandretto discloses a method of predictive modeling, comprising:

**Re. Claim 87**, providing a description of a plurality of elements of value that support a business enterprise; generating a predictive model that mathematically expresses dynamic characteristics and behavior of the elements of value using said descriptions; and identifying one or more changes that improve an operational performance and financial states of the business enterprise using said model. These steps are basic quantitative (meaning mathematic) predictive modeling techniques for forecasting future value and thereby also estimating present value of a firm or of financial assets. As stated in various ways in the rejections of claims 43-86, Sandretto discloses or suggests these method steps. Sandretto liberally uses the word 'model' throughout his disclosure to describe his teaching. It is also obvious to a practitioner that Sandretto's modeling has predictive purposes ( "inputting economic variables expected to influence future asset values", Abstract – ll. 1-2).

The reasons Sandretto discloses or suggests these claimed limitations are as follows:

- one of the places which describes "providing a description of a plurality of elements of value that support a business enterprise" is in Col. 10, ll. 1-7;
- generating a predictive model that mathematically expresses dynamic characteristics and behavior of the elements of value using said descriptions is described in Col. 8, l. 52 – Col. 9, l. 20; and
- "identifying one or more changes that improve an operational performance and financial states of the business enterprise using said model" is disclosed by Sandretto because his disclosure implicitly and obviously has this as its central purpose by using modeling to identify and quantify risk and opportunities, and to suggest adjustments which will improve operational and financial performance of a firm (Abstract, l. 2 – "to influence future asset values").

**Re. Claim 88**, wherein the predictive model mathematically expresses the dynamic characteristics and behavior of each element of value as including direct effects and indirect effects from each element of value. Sandretto dynamic modeling method quantifies the risk profile of each element value and demonstrates the direct effects of an element of value through the identification of each element's risk measures, both input risk (Col. 9, l. 3) and

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output risk (Col. 9, l. 14). The identifying of an asset's operating (direct), financing and accounting (indirect) characteristics encompasses direct and indirect effects.

**Re. claims 87 & 88**, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have used Sandretto's disclosure combined with the practitioner's own knowledge to make obvious adjustments in order to produce a method of predictive modeling, motivated by the desire to offer a valuation model which fully utilizes current information that affects asset risk and which can be used for virtually any asset and potential asset (Sandretto, Col. 9, ll. 56-67).

**9. Claim 86 is rejected** under 35 U.S.C. 103(a) as being disclosed by Sandretto as applied to claim 85 above, and further in view of Barr et al. (US Patent 5,761,442, hereafter Barr).

**Re. Claim 86**, Sandretto does not explicitly disclose a method which comprises using a plurality of genetic algorithms to automatically learn from the data by using processing steps selected from the group consisting of fitness measure re-scaling, random mutation, recalibrating target fitness levels, selective crossover, selective carry-forward and combinations thereof. However, Barr discloses the use of commercial optimizers such as the "Solver" which is part of the Excel spreadsheet program from Microsoft corporation, the "Evolver", a genetic algorithm based program from Axcellis Inc. ..., or software packages which are available from the Harvard Business School ...". Barr discloses that "such commercial portfolio optimizers can be integrated as part of data processing system 310 (Col. 13, ll. 26-41). The Barr patent is titled "Predictive neural network means and method for selecting a portfolio of securities wherein each network has been trained using data relating to a corresponding security". Barr further discloses that "other commercial products or custom software can be used and developed by persons skilled in the art on the basis of the disclosure". It would have been obvious for the practitioner to select from these available genetic algorithms techniques such as fitness measure re-scaling, random mutation, recalibrating target fitness levels, selective crossover, selective carry-forward and combinations thereof to automatically learn from the data. Consequently, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have

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combined Sandretto's disclosure with the disclosure of Barr, combined with the practitioner's own knowledge, to make use of a plurality of genetic algorithms to automatically learn from the data, motivated by the desire to offer a valuation model which utilizes neural nets, genetic algorithms and optimization techniques to effectively combine technical and fundamental information in a computerized framework (Sandretto, Col. 9, ll. 56-67).

### ***Response to Arguments***

10. Applicant's arguments filed on November 11, 2005 with respect to claims 43-79 have been fully considered but they are not persuasive.

This Office Action is non-final because of the addition of rejections under 35 USC 101 and 35 USC 112.


### **ARGUMENT A:**

"In the 11 October 2005 Office Action, claims 51, 63 and 76 are rejected under §103 as being unpatentable over Sandretto in view of Jost. The Assignee respectfully traverses the §103 rejections of claims 51, 63 and 76 in two ways. **First**, by noting that the Office Action does not teach how the cited references could be combined to produce anything useful. **Second**, by noting that the cited combination of references fails to establish a prima facie case of obviousness. The Assignee also notes that there are still other ways in which all §103 obviousness rejections in the 11 October 2005 Office Action for claims 51, 63 and 76 can be traversed". (Remarks: broadly - p. 13, ll. 7-10; in detail - p. 13, l. 5 – p. 15, l. 5)". **(Bolding added)**.

### **RESPONSE:**

Applicant is directed to the 2006 Circuit Court opinion of *In re Kahn* regarding obviousness combinations:

"A suggestion, teaching, or motivation to combine the relevant prior art teachings does not have to be found explicitly in the prior art, as the teaching, motivation, or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. . . . **The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art.** In re Kotzab, 217 F.3d 1365, 1370 (Fed. Cir. 2000). However, rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, **there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.** See Lee, 277 F.3d at 1343-46; Rouffett, 149 F.3d at



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1355-59. This requirement is as much rooted in the Administrative Procedure Act, which ensures due process and non-arbitrary decisionmaking, as it is in § 103. See id. at 1344-45." In re Kahn, Slip Op. 04-1616, page 9 (Fed. Cir. Mar. 22, 2006)." **(Bolding added)**.

In this case, the examiner made a judgement that the ordinary practitioner of the art, had he or she seen the Sandretto and Jost references at the time of Applicant's invention, would have seen the teachings, suggestions and obviousness of selectively using the disclosures of the two references in order to develop the features and limitations of claims 52, 63 and 76. Sandretto and Jost both present computer automated applications. Modifying the software and even the hardware employed to operate Sandretto's disclosure with additional software and perhaps additional hardware to add the neural networks teaching by Jost is eminently doable in the computer arts. The practitioner would have had the knowledge and skill to achieve the combinations through employment of appropriate hardware and software manipulations. The examiner's judgement is based on the judgement that the ordinary practitioner in this kind of invention is either solely competent in finance and strategic evaluations of the firm and is sufficiently knowledgeable to get the computer implementation done, or is sufficiently competent in working with one or more collaborating practitioners, assistants or a vendor who have the required computer related knowledge and skills. The details of these computer techniques are outside the scope of this examination and are not claimed. The rational underpinning for this judgement is based on the fact that computer systems hardware and software are extremely flexible, unlike many scientific and technical areas of art where that is not the case. For example, an invention employing a gasket with certain required stiffness characteristics to achieve a certain performance quality cannot have prior art applied to it based on a flexible gasket. Many court opinions are based on such specific factual scenarios where the technical facts may have been misunderstood by an examiner. The examiner is not required to give a technical exposition of how the ordinary practitioner would apply his technical know-how regarding computer systems, since this has been classified as a business methods application. Rather, the burden of proof falls on applicant to present a reasonable case to disprove the examiner's judgement. This requirement is supported by the following



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court opinion: ("[T]he PTO can require an applicant to prove that the prior art products do not necessarily or inherently possess the characteristics of his [or her] claimed product. Whether the rejection is based on inherency' under 35 U.S.C. 102, on prima facie obviousness' under 35 U.S.C. 103, jointly or alternatively, the burden of proof is the same...[footnote omitted]." The burden of proof is similar to that required with respect to product-by-process claims. *In re Fitzgerald*, 619 F.2d 67, 70, 205 USPQ 594, 596 (CCPA 1980) (quoting *In re Best*, 562 F.2d 1252, 1255, 195 USPQ 430, 433-34 (CCPA 1977)).").

**ARGUMENT B: Re. the rejection of claims 43-51, 53-62, 64-75 and 77-79 under 35 USC 102 as being anticipated by Sandretto.**

**The examiner has failed to establish a prima facie case of anticipation (p. 10, ll. 4-5 by**

- (1) for many of the claims, failing to describe every element of the claim based on *Verdegaal Bros. V. Union Oil Co. of California* (p. 10, ll. 7-13);
- (2) for many of the claims, failing to "provide the same level of detail that is present in the claim based on *Richardson v. Suzuki Motor Co.* (p. 10, ll. 14-20); and
- (3) for many of the claims, failing to describe the basis in fact or technical reasoning that is required to support the allegations regarding allegedly inherent characteristics contained in *Sandretto* (p. 10, ll. 21-29).

Further, Applicant has taken a broad brush approach to challenging the alleged missing elements in *Sandretto* by submitting two tables as follows and an introduction:

The tables below itemizes the presence of up to three failure modes for every claim rejected under § 102. The "inherency not explained" failure mode was included for both claims where inherency was not explained in accordance with the requirements noted in MPEP 2112 and for claims where the Office Action seems to indicate that *Sandretto* provides express support for claim limitations that do not appear to be expressly supported by the *Sandretto* specification.

	General failures include:	Specific failures include:	
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43	Missing elements, insufficient detail and inherency not explained	Missing hidden layer, missing network models, lack of detail aggregating data, lack of detail impact and inherency not explained
44	Missing elements and insufficient detail	Missing revenue, expense and capital change
45	Missing elements, insufficient detail and inherency not explained	No value driver summary, no impact on other elements of value, lack of detail
46	Missing elements, insufficient detail and inherency not explained	No weights, no revenue, no expense, no capital change
47	Missing elements, insufficient detail and inherency not explained	No weights, no revenue, no expense, no capital change
48	Missing elements and insufficient detail	No point in time from sequential point in time
49	Missing elements, insufficient detail and inherency not explained	No relative contribution, no net present value, no combination
50	Missing elements, insufficient detail and inherency not explained	No brands, customers, employees, partnerships, vendors, etc.
52	Missing elements and insufficient detail	No growth options and/or market sentiment
53	Missing elements and insufficient detail	No display of growth options, market sentiment, value by element, etc.
54	Missing elements, insufficient detail and inherency not explained	Missing hidden layer, missing network models, lack of detail aggregating data, lack of detail impact and inherency not explained
55	Missing elements, insufficient detail and inherency not explained	Missing revenue, expense and capital change
56	Missing elements, insufficient detail and inherency not explained	No value driver summary, no impact on other elements of value, lack of detail
57	Missing elements, insufficient detail and inherency not explained	No weights, no revenue, no expense, no capital change
58	Missing elements, insufficient detail and inherency not explained	No weights, no revenue, no expense, no capital change
59	Missing elements, insufficient detail and inherency not explained	No weights, no revenue, no expense, no capital change
60	Missing elements and insufficient detail	No point in time, sequential point in time
61	Missing elements and insufficient detail	No relative contribution, no net present value, no combination
62	Missing elements, insufficient detail and inherency not explained	No brands, customers, employees, partnerships, vendors, etc.
64		Discusses analyzing separable assets for a firm, independent claim is missing elements
65	Missing elements and insufficient detail	No growth options and/or market sentiment

	General failures include;	Specific failures include:
6fi	Missing elements and Insufficient detail	No basic financial system, human resource system, advanced financial system, sales system, operations system, accounts receivable system, accounts payable system, capital asset system, inventory system, invoicing system, payroll system, purchasing system, the

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67	Missing elements, insufficient detail and inherency not explained	Missing hidden layer, missing network models, lack of detail aggregating data, lack of detail impact and inherency not explained
68	Missing elements and insufficient detail	Missing revenue, expense and capital change
69	Missing elements and insufficient detail	No value driver summary, no impact on other elements of value, lack of detail
70	Missing elements, insufficient detail and inherency not explained	No weights, no revenue, no expense, no capital change
71	Missing elements, insufficient detail and inherency not explained	No weights, no revenue, no expense, no capital change
72	Missing elements, insufficient detail and inherency not explained	No weights, no revenue, no expense, no capital change
73	Missing elements and insufficient detail	No point in time from sequential point in time
74	Missing elements and insufficient detail	No relative contribution, no net present value, no combination
75	Missing elements, insufficient detail and inherency not explained	No brands, customers, employees, partnerships, vendors, etc.
77		Discusses analyzing separable assets for a firm, independent claim is missing elements
78	Missing elements and insufficient detail	No growth options and/or market sentiment
79	Missing elements, insufficient detail and inherency not explained	No basic financial system, a human resource system, an advanced financial system, a sales system, an operations system, accounts receivable system, accounts payable system, capital asset system, inventory system, invoicing system, payroll system, purchasing

Summarizing the above, the 11 October 2005 Office Action has failed to identify the facts required to establish a prima facie case of anticipation for a single claim. The complete failure to identify anticipation at the claim level clearly illustrates the fact that the cited reference is not even remotely similar to the claimed invention. As noted in MPEP 2112, anticipation requires that a substantial identity be established. Taken together, these failures provide additional evidence that the claimed invention for producing concrete, tangible and useful results is new, novel and non-obvious. The Assignee notes that there are still other ways in which all §102 anticipation rejections in the 11 October 2005 Office Action for claims 43 — 50, 52 — 62, 64 — 75 and 77 — 79 can be traversed.

## RESPONSE:

Applicant at pp. 5-21 denies the rejections without offering argument or evidence to refute the rejections. This fails to comply with 37 CFR 1.111(b) because applicant's arguments amount to a general allegation that the claims define a patentable invention

without distinctly and specifically pointing out the supposed errors in the examiner's action. The last rejection is accordingly repeated.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on (571) 272-6799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

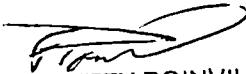
*Commissioner of Patents and Trademarks, Washington D.C. 20231*  
or (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

April 28, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
Au 3628



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,670	01/18/2001	Jeffrey Scott Eder	AR - 16	5377

53787 7590 01/03/2007  
ASSET TRUST, INC.  
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SUITE 7362  
BOTHELL, WA 98021

EXAMINER
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CHENCINSKI, SIEGFRIED E

ART UNIT	PAPER NUMBER
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3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/761,670

Applicant(s)

EDER, JEFFREY SCOTT

Examiner

Siegfried E. Chencinski

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 43-46, 48-52 & 54-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-46, 48-52 & 54-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/10/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Information Disclosure Statement***

1. The information disclosure statement filed September 10, 2006 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609, particularly 1.98 (a)(3)(i) because a concise explanation of the relevance of the items submitted, including the identification of the relevant pages and lines of each IDS document, has not been submitted. The disclosed materials have been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

***Declaration Submitted Under Rule 132***

2. The declaration by Mr. Rick Rauenzahn submitted on September 8, 2006 under Rule 132 has been considered but has been determined to lack relevance because the qualifications submitted by Mr. Rauenzahn do not qualify him as an expert according in the art of financial modeling as required by Rule 132 since Mr. Rauenzahn does not claim to have expertise in any aspect of business and/or financial modeling and because Mr. Rauenzahn's declaration does not make any statements regarding claimed subject matter and/or claimed limitations. Mr. Rauenzahn has claims degrees in chemical engineering at the BS, Masters and PhD levels. Mr. Rauenzahn specifically claims to have experience and expertise in the disciplines of fluid dynamics, turbulence modeling, numerical methods for partial differential equations, radiation hydrodynamics, and strength of materials as an employee of Los Alamos National Laboratory and Molten Metal Technologies for 23 years.

### ***Specification***

3. The amendments to the first paragraph of the specification filed October 5, 2005 and December 5, 2005 have not been entered because they not conform to 37 CFR 1.125(b) and (c) because the later of the two time deadlines expired several years ago. At this time the only option available to an Applicant is to file a petition according to MPEP guidelines to have any of the proposed prior applications considered for a benefit claim to the instant application (see 37 CFR 1.78(A)(2) AND (a)(5)). (MPEP 1893.03(c)).

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 43-46, 48-52 and 54-86 are rejected under 35 U.S.C. 101** because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

1) In the claim, the practical application of an algorithm or idea results in a useful, concrete, tangible result.

In this case, the independent claims 43, 55, 67 and 80 do not produce a useful, concrete, tangible result because the claimed method is merely a conceptual framework. It appears that the invention is about the use of modeling. However, it is unclear exactly what the modeling produces. Therefore the claimed invention lacks concreteness, thus the results cannot be concrete. The specification does not clear up this problem because there is no example in the specification to demonstrate how it takes concrete inputs and produces concrete, verifiable and repeatable outputs. The descriptions, guidelines and examples have the same lack of concreteness. Two iterations are unlikely to produce the same results, especially if two different practitioners were to do the iterations. The claims are written at a conceptual level of generalities which have nothing to do with producing a hard product. No concrete input



is defined and no concrete output is defined. The claim elements involve obtaining a plurality of data, evolve a plurality of network models, use "input nodes", "hidden nodes" and "output nodes" of an unspecified nature, where "and each output node represents an aspect of financial performance", and use a plurality of relationships between nodes "where each network model" ... "supports the development of a controlling forecast for use in optimizing purchasing". There is nothing useful, concrete and tangible in these limitations. The limitations are made up of the evolving of a plurality of network models with input nodes, hidden nodes and output nodes, and relationships with degrees of influence and elements of value. All of these together are essentially vague and cannot even be considered an algorithm, which, in any case, as presented, fails to not even produce a useful, concrete, tangible quantitative result. In addition, court interpretations of the statute require that output in specific applications be claimed. Having such applications in the specification is insufficient. The invention must be in the claims, except for non-critical elements so recognized by the ordinary practitioner which can be in the specification for the purpose of illustrating the details. Further, even the most detailed disclosure in the specification fails to present a method and system where the results can be replicated by others because qualitative judgments are involved in the method such that even the same practitioner seems unlikely to be able to replicate a result for the same case in multiple iterations of operating the model.

**5. Claim 54** is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

**6. Dependent claims 44-46, 48-52**, do not meet the test for useful, concrete and tangible results on the basis of their dependencies on independent claims 43, 55, 67 and 80. Further, these dependent claims themselves fail to meet the useful, concrete and tangible requirements of 35 USC 101 test because their limitations are written in the same non-specific manner.

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Therefore, an ordinary practitioner of the art would be unable to make productive use of the inventions claimed in claims 43-46, 48-52 and 54-86 without undue experimentation.

**7. Claims 43-46, 48-52 and 54-86 are also rejected under 35 U.S.C. 112, first paragraph.** Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**8. Claims 43-46, 48-52 and 54-86 are rejected under 35 U.S.C. 112, first paragraph,** as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For an application in this case, see the rejection under 35 USC 101.

**9. Claim 54 is rejected** under 35 U.S.C. 112, first paragraph, because, per *In re Hyatt*, 708 F.2d 712, 218 USPQ 195 (Fed. Cir. 1983), a single means claim does not comply with the enablement requirement of 35 U.S.C. 112, first paragraph.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**10. Claims 43-46, 48-52 and 54-86 are rejected under 35 U.S.C. 112, second paragraph,** as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are the steps which would lead an ordinary practitioner of the art to

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successfully apply the invention to produce a concrete, reproducible quantitative valuation result of a firm.

For example,

- Independent claim 43 claims a system for the obtaining of data and the evolving of a plurality of network models, plus a description of what the network models are comprised of.
- Independent claim 54 claims a one step method for aggregating firm related data.
- Independent claim 67 claims a computer readable medium containing stored instruction, which when executed, cause a processor to perform two steps, the integrating of business related data for a firm, and using at least a portion of the data to generate a plurality of models to connect one or more elements of value of said firm to one or more aspects of financial performance of a firm.
- Independent claim 80 claims an enterprise data integration method for accessing enterprise transaction data, converting said data to a common schema, and storing said converted data in a database for use in processing.

None of these inventions contain all the essential steps which would lead an ordinary practitioner of the art to successfully apply the invention to produce a concrete, reproducible quantitative valuation result of a firm.

**11. Claims 52, 65 and 78** recite the limitation "business event network models".

There is insufficient antecedent basis for this limitation in these claims because business event network models are not found in the disclosure.

**12. Claim 85** recites the limitations "business event network models". There is insufficient antecedent basis for this limitation in these claims because business event network models are not found in the disclosure.

**13. Claims 43, 54, 67 and 80** are rejected under 35 U.S.C. 112, second paragraph, because they would require undue experimentation for the ordinary practitioner to put to productive, reliable use, tangible and concrete use based on the guidelines for undue experimentation in MPEP 2164.01(a) because they would be beyond the level of one of

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ordinary skill to successfully use to produce concrete, reliable results which could be replicated, because the art claimed in the disclosure has poor predictability, the invention would require an undue amount of direction by the inventor, because working samples of a concrete input and concrete output are lacking, and the quantity of experimentation needed to make or use the invention based on the content of the disclosure is excessive because it is indeterminable. This meets the test laid out in *In Re Wands*: " A conclusion of lack of enablement means that, based on the evidence regarding each of the above factors, the specification, at the time the application was filed, would not have taught one skilled in the art how to make and/or use the full scope of the claimed invention without undue experimentation. *In re Wright*, 999 F.2d 1557,1562, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993)."

**14. Claims 52, 65, 78 and 85 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The expressions "intelligent", "direct effects" and "indirect effects" in claim 85 appear have been added by amendment after the first Office Action. The expression "business event network models" has been added by amendment to claims 52, 65 and 78 in the most recent response. None of these terms appear in the disclosure. Therefore there is insufficient antecedent basis for these limitations in these claims.

**15. Claims 43, 54, 67** each recite the limitation "where each network model from a plurality of network models supports the development of a controlling forecast for use in optimizing purchasing". There is insufficient antecedent basis for this limitation in the claim. The specification contains no specific links between optimization and purchasing. Variations of the root of optimizing are only found in four instances in the specification. They are "optimizes predictive models" ([0055]), "optimization of the predictive models" ([0034]), "network optimization" ([0135]) and "optimizing the network" ([0136]). No mention of purchasing is found in those paragraphs.

**16. Claim 54** provides for the use of network models, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process

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applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced. It lacks an active or positive step of how to use the model in the invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**17. Claims 43-46, 48, 49, 51, 54-62 and 64-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandretto (US Patent 5,812,988).**

**Re. claims 43, 54 & 67, Sandretto discloses a firm analysis method, system, framework and medium, comprising:**

- aggregating firm related data from a plurality of systems in accordance with a common data dictionary using at least a portion of the data to generate network models which connect one or more current elements of value of said firm to one or more aspects of financial performance of said firm (Col. 8, ll. 52-59), said network models being further comprised of:
  - a computer with a processor, having circuitry to execute instructions; a storage device available to said processor with sequences of instructions stored therein, which when executed cause the processor to: obtain a plurality of data related to a value of a business enterprise in a format suitable for processing (Col. 15, ll. 23-67).
  - one or more input nodes, hidden nodes and output nodes where each input node represents an element of value and each output node represents an aspect of financial performance (Sandretto, Col. 9, ll. 40-41. The input and output nodes are implicit or obvious), and

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- a plurality of relationships where each relationship is a function of an impact of each element on other elements of value or an aspect of financial performance (Col. 8, I. 52 – Col. 9, I. 20);

Sandretto does not explicitly disclose

- where each network model from a plurality of network models supports the development of a controlling forecast for use in optimizing purchasing.

However, Sandretto discloses optimizing in the management of financial assets (Col. 8, II. 46-47). Sandretto also uses forecasting and forecasts methods of economic and financial variables in the process of maximizing financial returns (Col. 8, II. 45-46). Further, Sandretto discloses the use of purchasing as a tool for improving the financial performance of assets employed in a portfolio of managed assets (Col. 2, II. 37, 41; Col. 16, II. 21-22, 25; Col. 18, II. 54, 59). Therefore, an ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have used Sandretto's disclosures for the purpose of employing a firm analysis method, system and computer readable medium, motivated by a desire to offer an improved method for estimating asset values (Col. 2, II. 2-65).

**Re. Claims 44, 55 & 68,** Sandretto discloses one or more aspects of financial performance based on market value (Col. 9, II. 11, 13, 30).

**Re. Claims 45, 56 & 69,** Sandretto discloses network models which comprise: a summary of value drivers by element of value applied to each of said input nodes, where said summaries summarize the impact of each of said elements of value on one or more aspects of financial performance, the other elements of value and combinations thereof (Col. 9, 14-16).

**Re. Claims 46, 57 & 70,** Sandretto discloses where one or more weights from a best fit model are used to identify a net impact of each element of value on a component of value selected from the group consisting of revenue, expense, capital change and combinations thereof (Col. 9, II. 16-20, 56-57).

**Re. Claims 48, 60 & 73,** Sandretto discloses where a plurality of relationships are quantified for a specified point in time within a sequential series of points in time (Col. 10, II. 1-7).

**Re. Claims 49, 61 & 74,** Sandretto discloses where a relative contribution to one or more

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components of value is combined with a present value of said components of value to determine a current operation value of each element of value (Col. 9, ll. 7-9).

**Re. Claims 50, 62 & 75**, Sandretto discloses the element of value of employees (Col. 16, ll. 27-30).

**Re. Claims 51, 63 & 74**, Sandretto discloses training one or more best fit network models using one or more genetic algorithms (Col. 9, ll. 11, 13, 30).

**Re. Claims 58 & 71**, Sandretto discloses comprising training one or more best fit network models that identify a relative impact of each element of value on each of the components of value where one or more weights from the best fit models are used to identify a relative contribution of each element of value to each component of value net of any impact on the other elements of value (Col. 11, ll. 43-56).

**Re. Claims 64 & 77**, Sandretto discloses a firm as a company (Col. 2, ll. 22-26).

**Re. Claims 52, 65 & 78**, Sandretto discloses the use of network modeling in the valuation of a business enterprise (see above the rejection of claims 43, 54 and 67). Sandretto does not explicitly disclose "a plurality of business event network models". However, Sandretto uses modeling to forecast the performance of a business enterprise. Such forecasting involves assumptions about the future. In this context, an ordinary practitioner of the art at the time of the invention would have understood that a business event is any occurrence, whether actual or hypothetical, which an analyst chooses to include as a variable in a forecasting scenario. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of the invention to have derived from Sandretto the obviousness of modeling business events through network models, thus employing business event network modeling.

**Re. Claim 80**, Sandretto discloses a firm analysis method, framework and medium (see the above rejections of claims 43, 54 & 67). In so doing, Sandretto also discloses an enterprise data integration method, comprising accessing a plurality of enterprise transaction data via an interface coupled to a plurality of data sources, and converting said transaction data to a common schema using an application software segment, and storing said converted data in a database for use in processing, where a plurality of sources further comprise databases for systems selected from the group consisting of a basic

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financial system, a human resource system, an advanced financial system, a sales system, an operations system, an accounts receivable system, an accounts payable system, a capital asset system, an inventory system, an invoicing system, a payroll system, a purchasing system and combinations thereof (Col. 9, ll. 40-41; Col. 10, ll. 1-7; Col. 14, l. 30 – Col. 15, l. 19; Fig's 1-14). Sandretto discloses in these and other sections of the patent how he integrates data from a multiplicity of databases and models to generate an analysis of a firm. The schematics show how the pieces are fit together in integrating the data and perform the analysis.

Sandretto does not explicitly disclose database management systems. However, database management systems are well known in the art of employing computer systems for data processing for any application, including financial and business analysis, optimization, forecasting, planning, among many other uses involving data. Therefore, an ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have used Sandretto's disclosures for the purpose of employing a firm analysis method, system and computer readable medium, motivated by a desire to offer an improved method for estimating asset values (Col. 2, ll. 2-65).

**Re. Claims 81-84,** Sandretto discloses:

**Re. Claim 81,** an enterprise data integration method. Sandretto does not explicitly disclose a plurality of relational databases where said databases use different data formats. However, relational databases using different data formats were well known within the art at the time of Applicant's invention. They are implicitly in use in Sandretto's disclosure.

**Re. Claim 82,** a network connection (Col. 15, ll. 59-63; Fig's 1A).

**Re. Claim 83,** an enterprise data integration method. Sandretto does not explicitly disclose a network schema with a common data dictionary where said common data dictionary defines common attributes selected from the group consisting of elements of value, components of value, currencies, units of measure, time periods, dates and combinations thereof. However, a network schema and a data dictionary were well known and necessary data processing system tools used for projects such as enterprise data integration. As such, they are implicitly in used in Sandretto's disclosure.



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**Re. Claim 84**, the conversion and storage of data before processing begins.

Conversion and storage of data before processing begins are implicit to Sandretta's disclosure since they are necessary steps in operating Sandretta's system.

**Re. Claims 80-84**, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have used Sandretto's disclosure with the practitioner's own knowledge to make obvious adjustments in order to produce an enterprise data integration method, motivated by the desire to offer a valuation model which fully utilizes current information that affects asset risk and which can be used for virtually any asset and potential asset (Sandretto, Col. 9, ll. 56-67).

**Re. Claim 85**, Sandretta discloses an intelligent method for analyzing commerce data using a computer, comprising: identifying a set of data required for analyzing a commercial enterprise, preparing the identified set of data for use in analysis, analyzing at least a portion of said data in an automated fashion as required to identify one or more statistics selected from the group consisting of pattern, trend, ratio, average, elapsed time period, percentage, variance, monthly total and combinations thereof, and using at least a portion of said statistics and data to develop a model of enterprise current operation financial performance using automated learning, where the model mathematically expresses the dynamic characteristics and behavior of each element of value as including direct effects and indirect effects from each element of value.

(Sandretta's steps 1 through ten, and then additional alternative steps (1) through (6) include these steps, followed by multiple iterations. These are the characteristics of an automated learning process (Col. 10, ll. 1-Col. 12, l. 55). Sandretto's general methodology and objectives are outlined in Col. 8, l. 52 – Col. 9, l. 67. Sandretto discloses generating a predictive model that mathematically expresses dynamic characteristics and behavior of the elements of value using said descriptions is described in Col. 8, l. 52 – Col. 9, l. 20. Sandretto's dynamic modeling method quantifies the risk profile of each element value and demonstrates the direct effects of an element of value through the identification of each element's risk measures, both input risk (Col. 9, l. 3) and output risk (Col. 9, l. 14). An accounting meaning of current operations is operations currently in progress and means within one year regarding certain types of assets and

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liabilities. The identifying of an asset's operating (direct), financing and accounting (indirect) characteristics encompasses direct and indirect effects. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have used Sandretto's disclosure combined with the practitioner's own knowledge to make obvious adjustments in order to produce an intelligent method for analyzing commerce data using a computer, motivated by the desire to offer a valuation model which fully utilizes current information that affects asset risk and which can be used for virtually any asset and potential asset (Sandretto, Col. 9, ll. 56-67).

**18. Claims 63 and 76 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Sandretto in view of Jost et al. (US Patent 5,361,201, hereafter Jost).

**Re. Claims 63 & 76,** Sandretto does not explicitly disclose a method where network models further comprise neural network models. However, Jost discloses neural network models (Abstract- I. 3; Col. 1, l. 7-10; Col. 2, ll. 30-35). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Sandretto with the art of Jost in order to provide a valuation method and system which makes use of neural network modeling, motivated by a desire to provide accurate estimates of financial value (Jost, Col. 2, ll. 17-20).

**19. Claim 86 is rejected** under 35 U.S.C. 103(a) as being disclosed by Sandretto as applied to claims 43 and 85 above, and further in view of Barr et al. (US Patent 5,761,442, hereafter Barr).

**Re. Claim 86,** Sandretto does not explicitly disclose a method which comprises using a plurality of genetic algorithms to automatically learn from the data by using processing steps selected from the group consisting of fitness measure re-scaling, random mutation, recalibrating target fitness levels, selective crossover, selective carry-forward and combinations thereof. However, Barr discloses the use of commercial optimizers such as the "Solver" which is part of the Excel spreadsheet program from Microsoft corporation, the "Evolver", a genetic algorithm based program from Axcellis Inc. ..., or software packages which are available from the Harvard Business School ...". Barr discloses that "such

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commercial portfolio optimizers can be integrated as part of data processing system 310 (Col. 13, ll. 26-41). The Barr patent is titled "Predictive neural network means and method for selecting a portfolio of securities wherein each network has been trained using data relating to a corresponding security". Barr further discloses that "other commercial products or custom software can be used and developed by persons skilled in the art on the basis of the disclosure". It would have been obvious for the practitioner to select from these available genetic algorithms techniques such as fitness measure re-scaling, random mutation, recalibrating target fitness levels, selective crossover, selective carry-forward and combinations thereof to automatically learn from the data. Consequently, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined Sandretto's disclosure with the disclosure of Barr, combined with the practitioner's own knowledge, to make use of a plurality of genetic algorithms to automatically learn from the data, motivated by the desire to offer a valuation model which utilizes neural nets, genetic algorithms and optimization techniques to effectively combine technical and fundamental information in a computerized framework (Sandretto, Col. 9, ll. 56-67).

**20. Claim 51 is rejected** under 35 U.S.C. 103(a) as being disclosed by Sandretto as applied to claims 43 and 85 above, and further in view of Barr.

**Re. Claim 51, Sandretto does not explicitly disclose** disclose a plurality of network models which comprise a plurality of neural network models that are trained using genetic algorithms. However, Sandretto discloses the use of network models (see the rejection of claims 43, 54 and 67, above). Jost discloses the use of neural network models (see the rejection of claims 63 and 76, above). Finally, Barr discloses the use of genetic algorithms to automatically learn from data (see the rejection of claim 86. It would have been obvious to an ordinary practitioner of the art to have combined the disclosures of Sandretto, Jost and Barr to employ a plurality of network models which comprise a plurality of neural network models that are trained using genetic algorithms, motivated by the desire to offer a valuation model which utilizes neural nets, genetic algorithms and optimization techniques to effectively combine technical and fundamental information in a computerized framework (Sandretto, Col. 9, ll. 56-67).

***Response to Arguments***

**21.** Applicant's arguments filed on September 8, 2006 with respect to claims 43-46, 48-52, and 54-86 in regard to the rejections under 35 USC 103(a) have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendments of claims.

Applicant's arguments filed on September 8, 2006 with respect to claims 43-46, 48-52, and 54-86 in regard to the rejections under 35 USC 112 have been fully considered but they are not persuasive.

**ARGUMENT A:** Traversal of the rejections of claims 43-86 under 35 USC 101 (p. 20, l. 1 – p. 21, l. 24).

**RESPONSE:** The examiner has expanded the text of the 101 rejections above in response to Applicant's traversal of the rejections under 35 USC 101.

**ARGUMENT B:** Traversal of 35 CFR 112-1<sup>st</sup> and 2<sup>nd</sup> paragraph rejections (p. 22, l. 1 – p. 25, l. 2).

**RESPONSE:** The examiner has expanded the text of the 101 rejections above in response to Applicant's traversal of the rejections under 35 USC 101.

**ARGUMENT C:** Request for Affidavits under 37 CFR 1.104 (p. 27, l. 1 – p. 28, end) regarding the well known use of relational databases, a network schema and a data dictionary.

**RESPONSE:** Evidence for the well known nature of relational databases, a network schema and a data dictionary to the ordinary practitioner of the art at the time of Applicant's invention are contained in the Microsoft Computer Dictionary for relational databases and a data dictionary. Bunte et al. disclose the use of network schema in US Patent 5,873,070 (Col. 3, ll. 52, 58; Col. 6, ll. 33, 65).

***Conclusion***

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22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Richard E. Chilcot, can be reached on (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

*Commissioner of Patents and Trademarks, Washington D.C. 20231*  
or (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

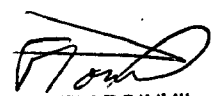
Art Unit: 3692

3-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above  
USPTO web site in Alexandria, VA.

SEC

November 27, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*Art 3692*

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>			
		Application Number	09/761,670		
		Filing Date	1/18/2001		
		First Named Inventor	Jeff S. Eder		
		Art Unit	3628		
		Examiner Name	Sigfried Chencinski		
Sheet		of		Attorney Docket Number	AR - 16

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		SIEGEL, JEREMY, "The Noisy Market Hypothesis", Dow Jones, 6/14/2006	
		FOWLER, MARTIN, Analysis patterns, Addison Wesley, 1997	
		EVEREST, GORDON, Database Management Systems, McGraw Hill, 1986	
		BREWKA, GERHARD, Principles of knowledge representation, CSLI Publications, 1994	
		DELOITTE, Valuing Intangible Assets, January 2006	
		WALL, MATTHEW, "Introduction to Genetic Algorithms", MIT, 8/31/2006	
		APPRAISAL STANDARDS BOARD, "Uniform standards of professional appraisal practice", 1997	
		COPELAND, TOM, Valuation, John Wiley & Sons, 1994	
		BROWN, CAROL, Expert systems for management accounting tasks, IMA Foundation, 1995	
<del>_____</del>			

Examiner Signature		Date Considered	11/27/06
--------------------	--	-----------------	----------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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(Use as many sheets as necessary)

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First Named Inventor	Jeff S. Eder
Art Unit	3628
Examiner Name	Sigfried Chencinski
Attorney Docket Number	AR - 16

Sheet

of

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 20040172319 -A1	09-02-2004	Eder, Jeff	
		US- 20060143115 -A1	06-29-2006	Eder, Jeff	
		US- 20060184449 -A1	08-17-2006	Eder, Jeff	
		US- 20010041996 -A1	11-15-2001	Eder, Jeff	
		US- 20020046143 -A1	04-18-2002	Eder, Jeff	
		US- 20040088239 -A1	05-06-2004	Eder, Jeff	
		US- 20040193503 -A1	09-30-2004	Eder, Jeff	
		US- 20040199445 -A1	10-07-2004	Eder, Jeff	
		US- 20040215495 -A1	10-28-2004	Eder, Jeff	
		US- 20040215522 -A1	10-28-2004	Eder, Jeff	
		US- 20040225629 -A1	11-11-2004	Eder, Jeff	
		US- 20040236621 -A1	11-25-2004	Eder, Jeff	
		US- 20040236673 -A1	11-25-2004	Eder, Jeff	
		US- 20050071266 -A1	03-31-2005	Eder, Jeff	
		US- 20050119900 -A1	06-02-2005	Eder, Jeff	
		US- 20050119919 -A1	06-02-2005	Eder, Jeff	
		US- 20050119922 -A1	06-02-2005	Eder, Jeff	
		US- 20050119959 -A1	06-02-2005	Eder, Jeff	
		US- 20050251468 -A1	11-10-2005	Eder, Jeff	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

Examiner  
Signature

Date

Considered

4/27/06

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(Use as many sheets as necessary)

**Complete if Known**

Application Number	09/761,670
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Sheet

of

**U. S. PATENT DOCUMENTS**

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 6,026,297 - B1	2-15-2000	Sheppard, Colin	
		US- 5,761,442 - B1	6-02-1998	Barr, Dean	
		US- 5,638,492 - B1	6-10-1997	Maeda, et al.	
		US- 6,324,553 - B1	11-27-2001	Agrawal et al.	
		US- 6,330,564 - B1	12-11-2001	Hellerstein et al.	
		US- 5,887,120 - B1	3-23-1999	Wical, Kelly	
		US- 6,909,708 - B1	6-21-2005	Krishnaswamy et al.	
		US- 6,321,205 - B1	11-20-2001	Eder, Jeff	
		US- 6,393,406 - B1	5-21-2002	Eder, Jeff	
		US- 20010041995 - A1	11-15-2001	Eder, Jeff	
		US- 20010034268 - A1	10-25-2001	Eder, Jeff	
		US- 20010034686 - A1	10-25-2001	Eder, Jeff	
		US- 5,668,951 - B1	9-16-1997	Shintani, Peter	
		US- 5,819,237 - B1	10-6-1998	Garman, Mark	
		US- 5,794,219 - B1	8-11-1998	Brown, Stephen	
		US- 5,875,431 - B1	2-23-1999	Heckman, Frank	
		US- 6,073,115 - B1	6-06-2000	Marshall, Paul	
		US- 6,173,276 - B1	1-09-2001	Kant, et al.	
		US- 6,453,297 - B1	9-17-2002	Burks, James	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>2</sup> -Number <sup>3</sup> -Kind Code <sup>5</sup> (if known)				
		WO 983588	2/28/1997	Mayon & White		

Examiner  
SignatureDate  
Considered

11/27/06

\*EXAMINER: Initial reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

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**Notice of References Cited**

Application/Control No.

09/761,670

Applicant(s)/Patent Under  
Reexamination  
EDER, JEFFREY SCOTT

Examiner

Siegfried E. Chencinski

Art Unit

3692

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Microsoft Computer Dictionary, 1997, Microsoft Press, Third Edition, pp. 403-404, 130.
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

# Index of Claims



Application/Control No.

09/761,670

Examiner

Siegfried E. Chencinski

Applicant(s)/Patent under Reexamination

EDER, JEFFREY SCOTT

Art Unit

3692

✓	Rejected
=	Allowed

—	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim	Date
Final	Original
1	11-27-06
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43	✓
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Claim	Date
Final	Original
51	11-27-06
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,671	01/18/2001	Jeffrey Scott Eder		5378
29051	7590	05/03/2004		
JEFF EDER 19108 30TH DRIVE SE MILL CREEK, WA 98012				
EXAMINER RETTA, YEHDEGA				
ART UNIT 3622				
PAPER NUMBER				

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/761,671

Applicant(s)

EDER, JEFFREY SCOTT

Examiner

Yehdega Retta

Art Unit

3622

ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 January 1934.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3622

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1 and 12 are objected to because of the following informalities: spelling error, "to identity". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 recites the limitation "The enterprise modeling method of claim 1" in page 3.

There is insufficient antecedent basis for this limitation in the claim. Correction is required.

Claim 8 recites the limitation "The enterprise modeling method of claim 3" in page 3.

There is insufficient antecedent basis for this limitation in the claim. Correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11 and 32-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological art; and

Art Unit: 3622

(2) whether the invention produces a useful, concrete, and tangible result.

For claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the “progress of science and the useful arts” (i.e., the physical science as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For the process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

The independently claimed steps of claims 1 and 32, aggregating data and identifying factors or quantifying impact, do not require structural interaction or mechanical intervention such that the invention falls within the technological arts permitting statutory patent protection. The claimed step of aggregating data and identifying factors or quantifying does not apply, involve, use or advance the technological arts since all of the recited steps can be performed in the mind of user or by use of a pencil and paper. Claims reciting those steps can be performed by interpersonal communications such that the claimed steps can be performed without a physical structure or mechanical object. The method only constitutes an idea for identifying factors. Since the claimed invention, as a whole, is not with the technological art as explained above, the claims, are deemed to be directed to non-statutory matter.

Claims 1-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

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Regarding claims 1, 12, 24 and 32, for a claimed invention to be statutory the claimed invention must produce a useful, concrete and tangible result. Since in the present case, the claimed invention does not produce useful and tangible result, the claims are deemed to be directed to non-statutory matter.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by “Valuation of Accounting Practices: What’s it Worth?” Reilly, Robert R.; Schweihs, Robert P. National Public Accountant; v36n2; pp: 20-29; Feb 1991. Hereinafter Reilly.

Regarding claims 1, 2, 6-10, Reilly teaches aggregating enterprise related data from a variety of sources and identifying the factors that affect enterprise intellectual capital such as brands, customers, employees, intellectual property, etc.; identifying the interrelationship between the factors; data obtained from advanced financial system, basic financial system, etc., financial performance selected from revenue, expense etc.; wherein the enterprise is a division or company...(see Page 1-4).



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Regarding claims 3-5, Reilly teach creating summary of the impact that are a function of the inter-relationship between the factors that affect the capital to create models to perform analyses (see page 6-9).

Claims 1-10, 12-15, 17-21, 23-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Harhen U.S. Patent No. 5,406,477 and Apgar, IV U.S. Patent No. 5,680,305.

Regarding claims 1-10, 12-15 and 17-21, 23-34, both Harhen and Apgar teaches aggregating enterprise related data from a variety of sources and using a portion of the data to identify the factors that affect the enterprise capital; identifying inter-relationship between the factors; creating summaries of the impact... (see Harhen col. 4 line 50 to col. 5 line 20 and col. 9 line to col. 13 line 32; see Apgar abstract and col. 7 line 1 to col. 13 line 55).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly as applied to claim 5 above, and further in view of Official Notice.

Regarding claim 11, Reilly does not teach the use of Markov Chain Monte Carlo model to identify changes that will optimize one aspect of the enterprise performance. Official Notice is taken that is old and well known to use such model for optimization, in the art of business. It

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would have been obvious to one of ordinary skill in the art at the time of the invention to use such simulation model in order to predict and optimize the performance.

Claims 11, 16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harhen or Apgar and further in view of Official Notice.

Regarding claim 16, both Harhen and Apgar do not teach identifying changes to capital that will optimize financial performance... However, Official Notice is taken that is old and well known in the art of business valuation to perform analyses to identify changes that will optimize performance of enterprise. It would have been obvious to one of ordinary skill in the art at the time of the invention to perform such analyses in order to evaluate strategic option that best satisfies customer's desired outcomes.

Regarding claims 11 and 22, both Harhen and Apgar do not teach the use of Markov Chain Monte Carlo model to identify changes that will optimize one aspect of the enterprise performance. Official Notice is taken that old and well known to use such model for optimization in the art of business. It would have been obvious to one of ordinary skill in the art at the time of the invention to use such simulation model in order to predict and optimize the performance.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hartnett, U.S. Patent No. 6,606,971 teaches Adaptive knowledge base.

Eder U.S. Patent No. 5,615,109 teaches method for generating feasible, profile maximizing requisition sets.

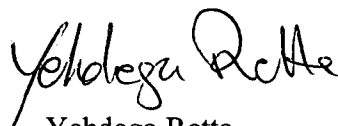
Art Unit: 3622

Valuation of intangible assets for property tax purposes; Rabe, James G, Reilly, Robert F.; The Nation Public Accountant, Washington; Apr 1994. Vol. 39, Iss. 4; pg. 26, 5 pgs.  
Valuation of a Closely Held Business; Hitchner, James R. The Tax Adviser, New York: Jul 1992. Vol. 23, Iss. 7; pg. 471, 9 pgs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yehdega Retta  
Examiner  
Art Unit 3622

YR



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,671	01/18/2001	Jeffrey Scott Eder		5378

29051 7590 11/18/2004

JEFF EDER  
19108 30TH DRIVE SE  
MILL CREEK, WA 98012

EXAMINER

RETTA, YEHDEGA

ART UNIT PAPER NUMBER

3622

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/761,671

Applicant(s)

EDER, JEFFREY SCOTT *S*

Examiner

Yehdega Retta

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 35-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is responsive to amendment filed July 27, 2004. Claims 1-34 have been cancelled and new claims 35-68 have been added.

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 65-68 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological art; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical science as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For the process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

The independently claimed steps of aggregating data and analyzing data do not require structural interaction or mechanical intervention such that the invention falls within the

Art Unit: 3622

technological arts permitting statutory patent protection. The claimed step of aggregating data and analyzing data does not apply, involve, use or advance the technological arts since all of the recited steps can be performed in the mind of user or by use of a pencil and paper. Claims reciting those steps can be performed by interpersonal communications such that the claimed steps can be performed without a physical structure or mechanical object.

Additionally, for a claimed invention to be statutory the claimed invention must produce a useful, concrete and tangible result. In the present case, the claimed invention does not produce a useful, concrete and tangible result and since the claimed invention, as a whole, is not with the technological art as explained above, the claims are deemed to be directed to non-statutory matter.

However in order to examine the claimed invention in light of the prior art, further rejections will be made on the assumption that those claims are statutorily permitted.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 68 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 68 recites a system however there are no system components claimed.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 65-68 are rejected under 35 U.S.C. 102(b) as being anticipated by “How to sort out the premium drivers of post-deal value” Bielinski, Daniel W. Mergers and Acquisitions: Jul/Aug 1993, Vol. 28, Iss.1; pg. 33, 5 pgs (hereinafter Bielinski).

Regarding claim 65, Bielinski teaches aggregating enterprise transaction data, analyzing the data ... (see pgs. 1-5). No patentable weight is given the claim “to identify value drivers and create summaries of element impact... since is just intended use. There is no method claim recites that indicate value drivers were identified and summary was created.

Regarding claim 66, Bielinski teaches financial performance selected from the group consisting of revenue, expense, cash etc., (see pgs 1&2).

Regarding claim 67 Bielinski teaches element of value selected from the group consisting of brands, customers, employees, etc., (see pg 2).

Regarding claim 68, Bielinski teaches valuing element of value (see pgs.1-5).



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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over “How to sort out the premium drivers of post-deal value” Bielinski, Daniel W. Mergers and Acquisitions: Jul/Aug 1993, Vol. 28, Iss.1; pg. 33, 5 pgs (hereinafter Bielinski), further in view of “Computers” Brown, Carol E, Coakley, James, Phillips, Mary Ellen, Management Accounting, Montvale, May 1995 (hereinafter Brown).

Regarding claims 35, 36, 40-47, 48, 49, 53-56, 58, 60-63, Bielinski teaches aggregating enterprise related transaction data from one or more enterprise management system, creating performance indicators, analyzing historical and forecast data for aspects of financial performance using indication algorithms and value driver candidates and creating impact summaries (see page 1-5). Bielinski teaches using computerized models to estimate the value of a company, facilitating value creation, analyzing historical data and forecast data, however does not teach training neural network models for one or more aspects of financial performance using performance indicators. Brown teaches valuation using neural network and training neural network models for aspects of financial performance using indicators (see pgs 1-2 and 5-6). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Browns teaching by using neural network to analyze data since it is well

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known that neural network increase score prediction accuracy and enable fast, accurate score model implementation.

Regarding claims 37, 50, 59, 64, Bielinski teaches element of value selected from the group consisting of brands, customers, employees, etc., (see pg 2).

Regarding claim 38 and 51 Bielinski teaches financial performance selected from the group consisting of revenue, expense, capital change, cash flow etc., (see pgs 1&2).

Regarding claim 39, 52 and 57 Bielinski teaches logged or recorded events for transaction data (see pg. 2).

#### ***Response to Arguments***

Applicant's arguments with respect to claims 35-68 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

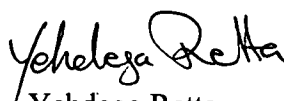
Art Unit: 3622

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yehdega Retta  
Primary Examiner  
Art Unit 3622

YR



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/761,671

01/18/2001

Jeffrey Scott Eder

5378

53787

7590

09/30/2005

ASSET TRUST, INC.  
2020 MALTBY ROAD  
SUITE 7362  
BOTHELL, WA 98021

EXAMINER

RETTA, YEHDEGA

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/761,671

Applicant(s)

EDER, JEFFREY SCOTT

Examiner

Yehdega Retta

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 69-100 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 69-100 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/12/05, 7/27/05
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date, \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is responsive to amendment filed July 18, 2005. Claims 1-38 are now cancelled and new claims 69-100 have been added.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 69-100 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 69 and 77, recite “creating a network of models that connect the elements of value to aspects of current operation financial performance”. Applicant’s specification discloses use of “models” or “causal models” to provide connection between the elements of value and the financial performance, however does not teach creating a plurality of network models.

Claim 74 recites, “wherein the network of models are causal network models”. Applicant specification teaches causal models, not causal network models.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 70 recites the limitation "the models of aspects of current operation financial performance". Claim 69 recites "use of a neural network model" and "creating a plurality of network models". There is insufficient antecedent basis for this limitation in the claim.

Claims 81 and 90, recites "wherein **the net contribution** of each element of value", however there is no contribution claimed before therefore, there is insufficient antecedent basis for this limitation in the claim.

Claims 69-100 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 70 and 72, claim 70 recites, wherein the method further comprises using the models of aspects of current operation financial performance to complete analysis selected from the group consisting of identifying or creating ... It is unclear whether the "neural network model" or "the plurality of network models" further comprises of completing analyses wherein the analyses are selected from the group consisting of identifying one or more changes ..., identifying a net value ..., creating one or more usable ..., or identifying one or more transaction ... or the models that are used to complete analyses are selected from the group consisting of ..... It is unclear what method step is performed to further limit the independent claim 69.

Claims 77, 80 recite similar limitation, therefore, the rejection stated above applies.

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Claim 82, recites, the program storage device of claim 77 that supports the identification of a net percentage ... It is unclear what the claimed limitation is.

Claim 83, recites, wherein enterprise related transaction data are obtained from system selected ... Since claim 77 recites transaction data, it is unclear whether this enterprise related transaction data is the same as the transaction data for a commercial transaction claimed in claim 77 or whether the transaction data of claim 77 includes enterprise related transaction.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 69-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over “How to sort out the premium drivers of post-deal value” Bielinski, Daniel W. Mergers and Acquisitions: Jul/Aug 1993, Vol. 28, Iss.1; pg. 33, 5 pgs (hereinafter Bielinski), further in view of “Computers” Brown, Carol E, Coakley, James, Phillips, Mary Ellen, Management Accounting, Montvale, May 1995 (hereinafter Brown).

Regarding claims 69, 70, 72-76, Bielinski teaches valuation tool for integrating transaction data for a commercial enterprise in accordance with a common data dictionary; using model to identify one or more value drivers (key factors or value drivers), such as growth, profit margins, etc are varied systematically to test the sensitivity of the indicated business value to each driver (pp1) ... assessing changes in one value driver at a time, elements of value selected



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from the group consisting of brands, customers, employees intellectual capital, partner etc. (pp 1-2); identifying value drivers (sensitive analysis of past results offers clues to what can be done in the future and which value drivers should receive the most attention to achieve optimal rewards) (see pp 1); use of models to complete analyses ... (see page 3). Bielinski teaches use of computerized models to estimate the value of a company and to guide them in setting purchase price. However, relatively few buyers take advantage of the capabilities of these models to enhance their due diligence and formulate strategies for increasing the cash flow and enhancing the value of their acquired targets... indeed as the art of modeling has progressed, new methodologies have been developed and applied to actual transaction in the market to sharply widen the utility and versatility of computer-based valuation value. Bielinski does not explicitly teach neural network models using the indicators and a portion of the data in order to identify value driver candidates. Brown teaches valuation using neural network and training neural network models for aspects of financial performance using indicators (see pgs 1-2 and 5-6). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Browns teaching by using neural network to analyze data, since it is well known that neural network increase score prediction accuracy and enable fast accurate score model implementation. Bielinski teaches financial performance selected from group consisting of revenue, expense, capital change etc., (see pp 2).

Regarding claim 71, Bielinski teaches identifying changes that optimize financial performance, however failed to teach the use of Markov Chain Monte Carlo model or use genetic algorithms. Official notice is taken that is old and well known in the art of finance to use

Art Unit: 3622

optimization tools. It would have been obvious to one of ordinary skill in the art to use such model and other forms of optimization to maximize profit.

Regarding claims 77-100, Bielinski teaches aggregating enterprise related transaction data from one or more enterprise management system, creating performance indicators, analyzing historical and forecast data for aspects of financial performance using indication algorithms and value driver candidates and creating impact summaries (see page 1-5). Bielinski teaches using computerized models to estimate the value of a company, facilitating value creation, analyzing historical data and forecast data, however does not teach training neural network models for one or more aspects of financial performance using performance indicators. Brown teaches valuation using neural network and training neural network models for aspects of financial performance using indicators (see pgs 1-2 and 5-6). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Browns teaching by using neural network to analyze data since it is well known that neural network increase score prediction accuracy and enable fast, accurate score model implementation. Bielinski teaches financial performance selected from the group consisting of revenue, expense, capital change, cash flow etc., (see pgs 1&2). Bielinski teaches logged or recorded events for transaction data (see pg. 2). Bielinski teaches element of value selected from the group consisting of brands, customers, employees, etc., analyzes calculated for specific point in time, a net contribution of each element of value (see pg 2).

### ***Response to Arguments***

Applicant's arguments filed July 18, 2005 have been fully considered but they are not persuasive. Applicant's argument is directed to cancelled claims (claims 35-68).


Art Unit: 3622

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RETTA YEHDEGA  
PRIMARY EXAMINER

YR



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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,671	01/18/2001	Jeffrey Scott Eder		5378

53787 7590 06/13/2006

ASSET TRUST, INC.  
2020 MALTBY ROAD  
SUITE 7362  
BOTHELL, WA 98021

EXAMINER

RETTA, YEHDEGA

ART UNIT PAPER NUMBER

3622

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/761,671	EDER, JEFFREY SCOTT	
	Examiner	Art Unit	
	Yehdega Retta	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 69-103 is/are pending in the application.
- 4a) Of the above claim(s) 104-118 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 69-103 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/29/05, 1/14/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is responsive to amendment filed April 3, 2006. New claims 101-118 have been added. Claims 69-103 are now pending in this application. Claims 104-118 are withdrawn from consideration.

### ***Election/Restrictions***

Newly submitted claims 101-118 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 69-103, drawn to identifying one or more value driver candidates using a neural network model, classified in class 705, subclass 7.
- II. Claims 104-118, drawn to aggregating data in a repository and data mining the information to identify value drivers, classified in class 707, subclass 3.

Inventions of Group I (claims 69-103) and Group II (claims 104-118) are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because aggregating a plurality of information, datamining the information to identify value drivers and creating time series network model, independently claimed in the subcombination group II is not a limitation of the

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independently claimed combination of group I. The subcombination has separate utility such as aggregating a plurality of information and datamining the information. Since applicant independently claim the invention of this group, it is prima facie showing that the inventions are intended to be independently and distinct and are shown to be separately usable.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 104-118 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 69-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over “How to sort out the premium drivers of post-deal value” Bielinski, Daniel W. Mergers and Acquisitions: Jul/Aug 1993, Vol. 28, Iss.1; pg. 33, 5 pgs (hereinafter Bielinski), further in view of “Computers” Brown, Carol E, Coakley, James, Phillips, Mary Ellen, Management Accounting, Montvale, May 1995 (hereinafter Brown).

Regarding claims 69, 70, 72-76, Bielinski teaches valuation tool for integrating transaction data for a commercial enterprise in accordance with a common data dictionary; using model to identify one or more value drivers (key factors or value drivers), such as growth, profit

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margins, etc are varied systematically to test the sensitivity of the indicated business value to each driver (pp1) ... assessing changes in one value driver at a time, elements of value selected from the group consisting of brands, customers, employees intellectual capital, partner etc. (pp 1-2); identifying value drivers (sensitive analysis of past results offers clues to what can be done in the future and which value drivers should receive the most attention to achieve optimal rewards) (see pp 1); use of models to complete analyses ... (see page 3). Bielinski teaches use of computerized models to estimate the value of a company and to guide them in setting purchase price. Bielinski states, relatively few buyers take advantage of the capabilities of these models to enhance their due diligence and formulate strategies for increasing the cash flow and enhancing the value of their acquired targets... indeed as the art of modeling has progressed, new methodologies have been developed and applied to actual transaction in the market to sharply widen the utility and versatility of computer-based valuation value. Bielinski does not explicitly teach neural network models using the indicators and a portion of the data in order to identify value driver candidates. Brown teaches valuation using neural network and training neural network models for aspects of financial performance using indicators (see pgs 1-2 and 5-6). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Browns teaching by using neural network to analyze data, since it is well known that neural network increase score prediction accuracy and enable fast accurate score model implementation. Bielinski teaches financial performance selected from group consisting of revenue, expense, capital change etc., (see pp 2).

Regarding claim 71, Bielinski teaches identifying changes that optimize financial performance, however failed to teach the use of Markov Chain Monte Carlo model or use



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genetic algorithms. Official notice is taken that is old and well known in the art of finance to use optimization tools. It would have been obvious to one of ordinary skill in the art to use such model and other forms of optimization to maximize profit.

Regarding claims 77-100, Bielinski teaches aggregating enterprise related transaction data from one or more enterprise management system, creating performance indicators, analyzing historical and forecast data for aspects of financial performance using indication algorithms and value driver candidates and creating impact summaries (see page 1-5). Bielinski teaches using computerized models to estimate the value of a company, facilitating value creation, analyzing historical data and forecast data, however does not teach training neural network models for one or more aspects of financial performance using performance indicators. Brown teaches valuation using neural network and training neural network models for aspects of financial performance using indicators (see pgs 1-2 and 5-6). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Browns teaching by using neural network to analyze data since it is well known that neural network increase score prediction accuracy and enable fast, accurate score model implementation. Bielinski teaches financial performance selected from the group consisting of revenue, expense, capital change, cash flow etc., (see pgs 1&2). Bielinski teaches logged or recorded events for transaction data (see pg. 2). Bielinski teaches element of value selected from the group consisting of brands, customers, employees, etc., analyzes calculated for specific point in time, a net contribution of each element of value (see pg 2).

***Response to Arguments***

Applicant's arguments filed April 4, 2006 have been fully considered but they are not persuasive. Applicant asserts that Bielinski teaches away from the topology of the neural network models taught by Brown and refers to page 8 of Koller. Examiner could not find any indication in Koller that the neural network could not be used in identifying value drivers. Applicant also alleges that the Reilly reference also did not provide incentive to complete the claimed analyses. Applicant also alleges that the two reference teach away from the theoretical combination contained in the Office Action, however does not provide any support. Applicant's argument is just an allegation. Applicant also argues that the office action contains "an official notice" regarding the use of technologies that the Examiner claims are well known for the use in optimization and states that the Examiner failed to provide a reference that would support the development of a comparable model of enterprise ... It is unclear to the Examiner whether Applicant is arguing that it is unknown that a neural network model increase score prediction accuracy or if Applicant is arguing that it is unknown that the neural network is used in optimization. Examiner would like to point out to Applicant that Brown teaches that a neural network is used to make accurate forecast (see page 4 and 5).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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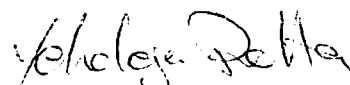
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YR

  
RETIA YEHDEGA  
PRIMARY EXAMINER

PTO/SB/088 (08-03)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO		<b>Complete If Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Application Number	09/761,671
		Filing Date	1/18/2001
		First Named Inventor	Jeff S. Eder
		Art Unit	3622
		Examiner Name	Yehdega Retta
		Attorney Docket Number	AR - 17
Sheet		of	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
YR		Barua, Anitesh; Lee, C.H. Sophie; Whinston, Andrew, "The Calculus of Reengineering", August 1994	
YR		Haesendonckx, Michel, "VBM - Value Driver Tree", June 8, 2006	

Examiner Signature	<i>Yehdega Retta</i>	Date Considered	6/9/06
--------------------	----------------------	-----------------	--------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PTO/SB/08B (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b> Application Number 09/761,671 Filing Date 1/18/2001 First Named Inventor Jeff S. Eder Art Unit 3622 Examiner Name Yehdega Retta Attorney Docket Number AR - 17	
Sheet		of	

[illegible]

Examiner Signature	<i>Verdara Deller</i>	Date Considered	<i>6/9/06</i>
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,068	01/19/2001	Jeff Scott Eder		6669

29051 7590 10/06/2004

JEFF EDER  
19108 30TH DRIVE SE  
MILL CREEK, WA 98012

EXAMINER

GRAHAM, CLEMENT B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/764,068

Applicant(s)

EDER, JEFF SCOTT

Examiner

Clement B Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, and 3, are rejected under 35 U.S.C. 112, second paragraph, because there is no steps or procedure in performing the claimed invention.

Claim 1 is so broad and indefinite that it encompasses every conceivable step for performing the claimed function.

3. In particular, Claim 3 line 1 indicates "wherein the variety of data sources includes different or a variety of systems, while 10 states " user input and combination thereof", it is unclear how one would be able to combine these systems.

Appropriate correction is required

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 16-24 and 31-32, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, claims 16, recite in the limitations " the relative ranking",

Claim 17, recite in the limitations " the real option discount rate"

Claims 18-19, 21, recites in the limitations " the predictive models"

Claim 20, recite in the limitations " the type of predictive models"

Claim 22, recite in the limitations " the contribution by element value "

Claim 23, recite in the limitations " the valuations identify"

Claim 24, recite in the limitations " the current operation"

Claim 25, recite in the limitations " the enterprise may"

Claim 26, recite in the limitations " the business value"

Claims 27-28, recites in the limitations " the current operation"



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Claims 31-32 recites in the limitations " the element quantifications  
There is insufficient antecedent basis for these limitations in the claims.  
Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkins. U.S Patent 5, 82, 811 in view of Tull, Jr et al (Hereinafter Tull, Jr U.S Patent 6, 092, 056.

As per claims 1, Atkins discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processor in a computer to perform a quantification method, comprising:  
using data from a variety of sources. (see <sup>column</sup> 22 lines 50-65 and column 23 and 24 lines 1-35 and line 60-65) and Enterprise. ("i. e, financial institution" see column 5 lines 29-31").  
Tull, Jr fail to explicitly to quantify the impact of elements of value on aspects of financial performance.

However Tull, Jr discloses providing data processing means for determining a price for a basket of shares which is packaged as a debt instrument so as to reflect the current aggregate value of the shares and accrued income and expenses associated with all shares in the basket. (see column 3 lines 33-37) and provide a financial management system to develop and administer a financial debt instrument traded as a listed security to investors desiring to track the performance of a domestic or foreign capital market.(see column 3 lines 20-25 and column 6 lines 6-15 and column 7 lines 1-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include quantifying the impact of elements of value on aspects of enterprise financial performance taught by

Tull, Jr in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claim 2, Atkins discloses wherein the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, production equipment, vendors and vendor relationships.(see column 28 lines 15-40).

As per claim 3, Atkins discloses wherein the variety of data sources includes advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof.(see column 22 lines 50-65 and column 23 lines 1-40 and column 24 lines 5-20).

As per claim 4, Atkins discloses where an enterprise is defined by a single product, a group of products, a division or an entire company.(see column 3 lines 6-11).

As per claim 5, Atkins discloses wherein the aspects of enterprise financial performance include one or more of the following revenue, expense, capital change, current operation value, real option value, market sentiment value and business value.(see column 5 line 30).

As per claim 6, Atkins fail to explicitly teach where the elements of value are comprised of items that may be grouped into sub-elements of value for more detailed analysis.

However Tull, Jr discloses this selection is done in accordance with one embodiment of the present invention using a mathematical programming function which employs data means for receiving and storing data about each stock in the capital market portfolio modeling means which correlate the available data with economic forecast models to suggest an optimal basket of stock shares; and risk evaluation means predicting the future correlation of the selected stocks in the basket with the market valuation. Risk evaluation means employs a multi-factor risk model and relies on optimization techniques to ensure that the subset of stocks underlying an OPALS will track the market index as closely as possible. The cooperation between data means, modeling means and risk evaluation means results in a basket of stock shares whose weighing further reflects liquidity considerations, industry exposure and market capitalization.(see column 7 lines 15-60).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include elements of value are comprised of items that may be grouped into sub-elements of value for more detailed analysis taught by Tull, Jr in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time and more particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claim 7, As per claim Atkins discloses where the data includes historical data and forecast data.(see column 37 lines 15-19).

As per claim 8, Atkins discloses where the data includes transaction data, geospatial data, text data and linkage data.(see column 24 lines 1-65)

As per claims 9-10, Atkins fail to explicitly teach where the element quantifications are selected from the group consisting of item performance indicators, composite variables; vectors, predictive models, element rankings, option discount rates, valuations and combinations thereof.

However Tull, Jr discloses Among the various investment options, significant popularity in last years have achieved the mutual funds which offer a variety of investment options tailored to specific customer needs. Different funds are designed to invest in particular types of stocks, in specific industry sectors, or track the performance of broader market indicators. Some funds offer income which is free of federal, state or local taxes, dependent on the residence of the investors. Mutual funds are particularly attractive because they provide the investors with the opportunity to participate in the capital markets for a relatively low fee compared to a direct investment in stocks. These investors fees are in part used to finance research directed to selecting a specific investment portfolio for each fund.(see column 2 lines 1-15 and column 6 lines 6-15 and 3 lines 19-21).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include where the element quantifications are selected from the group consisting of item performance indicators, composite variables; vectors, predictive models, element rankings, option discount rates, valuations and combinations thereof taught by Tull, Jr in order to determine the value of asset.

As per claim 11, Atkins fail to explicitly teach where item performance indicators are selected from the group consisting of ratios, trends, summaries, time lagged values, rates of change, patterns, geospatial measures, linkage data, text counts and averages.

However Tull, Jr discloses the selection is done in accordance with one embodiment of the present invention using a mathematical programming function which employs data means for receiving and storing data about each stock in the capital market;  
portfolio modeling means which correlate the available data with economic forecast models to suggest an optimal basket of stock shares; and risk evaluation means predicting the future correlation of the selected stocks in the basket with the market valuation. Risk evaluation means employs a multi-factor risk model and relies on optimization techniques to ensure that the subset of stocks underlying an OPALS will track the market index as closely as possible. The cooperation between data means,

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modeling means and risk evaluation means results in a basket of stock shares whose weighing further reflects liquidity considerations, industry exposure and market capitalization.(see column 7 lines 15-30 and column 6 lines 6-15 and column 2 lines 1-15).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include where item performance indicators are selected from the group consisting of ratios, trends, summaries, time lagged values, rates of change, patterns, geospatial measures, linkage data, text counts and averages taught by Tull, Jr in order to determine the value of asset.

As per claim 12, Atkins discloses wherein item performance indicators are selected using predictive models from the group consisting of neural networks; regression models, regression trees; generalized autoregressive conditional heteroskedasticity (LARCH), projection pursuit regression; generalized additive model (GAM); redundant regression network; rough-set analysis; Naive Bayes Regression, linear regression; support vector computer readable medium, stepwise regression and multivalent models. (see column 23 lines 10-40).

As per claim 13, Atkins discloses 13 wherein composite variables are mathematical or logical combinations of causal item performance indicators and item variables by element.(see column 35 lines 11-18)

As per claim 14, Atkins and Tull, Jr fail to explicitly teach wherein vectors summarize causal item performance indicators, item variables and composite variables by element of value.

However vectors summarize causal item performance indicators, item variables and composite variables by element of value and commonly used in determining values of an asset or a portfolio.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins and Tull, Jr to include vectors summarize causal item performance indicators, item variables and composite variables

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by element of value because their are commonly used in determining values of an asset or a portfolio.

As per claim 15, Atkins and Tull, Jr fail to explicitly teach wherein vectors are created using models from the group consisting of Tetrad, Minimum Message Length, LaGrange, Bayesian and path analysis.

However models are commonly used in the art for valuing and optimization of assets stocks, portfolio, or and creating classes or column or association and vectors would have been an obvious part of the process asset optimization.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins and Tull, Jr to include vectors are created using models from the group consisting of Tetrad, Minimum Message Length, LaGrange, Bayesian and path analysis because models are commonly used in the art for valuing and optimization of assets stocks, portfolio, or and creating classes or column or association and vectors would have been an obvious part of the process asset optimization.

As per claim 16, Atkins fail explicitly wherein data envelopment analysis (DEA) analysis is used to identify the relative ranking of the enterprise elements of value for the value relevant indicators identified by the business value predictive models.

However Tull, Jr modeling system selects an optimized basket of shares which is representative of a particular capital market. This selection is done using a programming function which receives and stores data about each stock in the capital market, correlates the available data with economic forecast models to suggest an optimal basket of stock shares which can model the performance of the overall market, and predicts the future correlation of the selected stocks in the basket with the index of the market to ensure that they will track the market index closely. (see column 6 lines 6-15 and column 7 lines 15-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include wherein data envelopment analysis (DEA) analysis is used to identify the relative ranking of the enterprise elements of value for the value relevant indicators identified by the business

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value predictive models taught by Tull, Jr in order to determine the value of an institution assets.

As per claim 17, Atkins fail to explicitly teach wherein the real option discount rates are a function of the relative ranking of the enterprise elements of value that support the real option.

However Tull, Jr discloses another relatively recent approach is offered by the Standard & Poor's Depositary Receipts.TM. ("SPDRs"). The SPDRs are financial instruments devised to package equity into a single listed security. They represent ownership in a SPDR Trust, a unit investment trust which holds a portfolio of common stocks that tracks the price performance and dividend yield of the S&P 500 Index. SPDRs are like open end unit trust that is rebalanced daily to the S&P 500 Index and may trade at a premium or discount to the S&P 500 futures SPDRs may be held like a stock for a long time and entitle the holder to quarterly cash distributions corresponding to the dividends that accrue to the S&P stocks in the underlying portfolio, less expenses. While the SPDRs provides desirable diversification and convenience, they are only offered in one capital market.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include the real option discount rates are a function of the relative ranking of the enterprise elements of value that support the real option taught by Tull, Jr in order to determine the institution asset value and position of value.

As per claim 18, Atkins fail to explicitly teach wherein the predictive models identify the relative contribution by element of value to the components of value and business value.

However Tull, Jr modeling system selects an optimized basket of shares which is representative of a particular capital market. This selection is done using a programming function which receives and stores data about each stock in the capital market, correlates the available data with economic forecast models to suggest an optimal basket of stock shares which can model the performance of the overall market, and predicts the future correlation of the selected stocks in the basket

with the index of the market to ensure that they will track the market index closely. (see column 6 lines 6-15 and column 7 lines 15-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include the predictive models identify the relative contribution by element of value to the components of value and business value taught by Tull, Jr in order to determine the value of an institution assets.

As per claim 19, Atkins fail to explicitly teach where the predictive models use item performance indicators, composite variables or vectors by element as inputs.

However Tull, Jr modeling system selects an optimized basket of shares which is representative of a particular capital market. This selection is done using a programming function which receives and stores data about each stock in the capital market, correlates the available data with economic forecast models to suggest an optimal basket of stock shares which can model the performance of the overall market, and predicts the future correlation of the selected stocks in the basket with the index of the market to ensure that they will track the market index closely. (see column 6 lines 6-15 and column 7 lines 15-25 and 2 lines 1-14).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include where the predictive models use item performance indicators, composite variables or vectors by element as inputs taught by Tull, Jr in order to determine the value of an institution assets.

As per claim 20, Atkins discloses wherein the type of predictive model input that is used in a model is determined in part by the level of interaction between the elements of value.

However Tull, Jr modeling system selects an optimized basket of shares which is representative of a particular capital market. This selection is done using a programming function which receives and stores data about each stock in the capital market, correlates the available data with economic forecast models to suggest an optimal basket of stock shares which can model the performance of the overall market, and predicts the future correlation of the selected stocks in the basket



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with the index of the market to ensure that they will track the market index closely. (see column 6 lines 6-15 and column 7 lines 15-25 and 2 lines 1-14).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include predictive model input that is used in a model is determined in part by the level of interaction between the elements of value taught by Tull, Jr in order to determine the value of an institution assets.

As per claim 21, Atkins discloses wherein item performance indicators are selected using predictive models from the group consisting of neural networks; regression models, regression trees; generalized autoregressive conditional heteroskedasticity (LARCH), projection pursuit regression; generalized additive model (GAM); redundant regression network; rough-set analysis; Naive Bayes Regression, linear regression; support vector computer readable medium, stepwise regression and multivalent models.(see column 23 lines 10-40).

As per claim 22, Atkins discloses wherein the contribution by element of value to a component of value or business value is determined by the net of the direct element impact and the element impact on the other elements of value.(see column 5 lines 23-45).

As per claim 23, Atkins fail to explicitly teach wherein the valuations identify the contributions by element of value to the group consisting of current operation value, real option value, market sentiment value, business value and combinations thereof.

However Tull, Jr discloses During the existence term of an OPALS, financial management structure fully administers the debt instrument using data processing system. Data processing system continuously monitors the price of the underlying basket of shares using input from a global communications network connected to the capital market place. Based on this information, data processing system computes the aggregate value of the entire underlying basket of shares and the current price of the OPALS by further including the accrued income and the appropriate maintenance expences. (see column 6 5-15 and column 6 lines 50-56).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include wherein the valuations identify the contributions by element of value to the group consisting of current operation value, real option value, market sentiment value, business value and combinations thereof taught by Tull, Jr in order to determine the value of a institution.

As per claim 24, Atkins fail to explicitly teach wherein the current operation value and market sentiment value are calculated using the company cost of capital.

However Tull, Jr discloses Another step used in the selection of the model portfolio involves analysis of the capitalization of the stocks in the selected portfolio. Capitalization may be defined as the value obtained by multiplying the total number of outstanding shares of a stock by the current price of the stock risk evaluation means computes the capitalization of each stock in the model basket, adds them up and divides the result by the number of stocks in the portfolio to obtain the average model capitalization. Risk evaluation means next determines or obtains from an outside source the average capitalization value for the particular market which is being followed and compares the result to the computed capitalization of the model basket. Should there be a discrepancy between the two values which is above a predetermined threshold, the program implemented by means may be directed to substitute either new stocks from the capital market or change the weighing of the stocks represented in the basket.(see column 7 lines 50 and column 6 lines 50-55).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include current operation value and market sentiment value are calculated using the company cost of capital taught by Tull, Jr in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claim 25, Atkins and Tull, Jr fail to explicitly wherein the enterprise may not have a current operation, real option or market sentiment segment to value.

However enterprise may not have a current operation, real option or market sentiment segment to value is old and well known in the art because they all represent the right to buy and sell property that is granted in exchange for an agreed amount within a period of time.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins and Tull to include enterprise may not have a current operation, real option or market sentiment segment to value because they all represent the right to buy and sell property that is granted in exchange for an agreed amount within a period of time.

As per claim 26, Atkins discloses wherein the business value by element of value is calculated by summing the contributions by element to the combination of current operation, real option and market sentiment values that are present in the enterprise.(see column 5 lines 25-35).

As per claim 27, Atkins and Tull, Jr fail to explicitly teach where the current operation segment of value is comprised of a revenue component of value, optional expense components of value and optional capital change components of value.

However a revenue component of value, optional expense components of value and optional capital change components of value are all old and well known in the art because they all represent values which may be part of an institution total assets and can be part of the information used to determine total asset value that institution.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins and Tull, Jr to include a revenue component of value, optional expense components of value and optional capital change components of value are all old and well known in the art because they all represent values which may be part of an institution total assets and can be part of the information used to determine total asset value that institution.

As per claim 28, Atkins fail to explicitly teach wherein the current operation value is calculated by summing the product of the net contribution by element to the

components of value identified by component predictive models and the capitalized value of the components of value that are present in the enterprise current operation.

However Tull, Jr discloses modeling system selects an optimized basket of shares which is representative of a particular capital market. This selection is done using a programming function which receives and stores data about each stock in the capital market, correlates the available data with economic forecast models to suggest an optimal basket of stock shares which can model the performance of the overall market, and predicts the future correlation of the selected stocks in the basket with the index of the market to ensure that they will track the market index closely.(see column 6 lines 10-15) and this selection is done in accordance with one embodiment of the present invention using a mathematical programming function which employs data means for receiving and storing data about each stock in the capital market portfolio modeling means which correlate the available data with economic forecast models to suggest an optimal basket of stock shares; and risk evaluation means predicting the future correlation of the selected stocks in the basket with the market valuation. Risk evaluation means employs a multi-factor risk model and relies on optimization techniques to ensure that the subset of stocks underlying an OPALS will track the market index as closely as possible. The cooperation between data means, modeling means and risk evaluation means results in a basket of stock shares whose weighing further reflects liquidity considerations, industry exposure and market capitalization(see column 7 lines 15-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include the current operation value is calculated by summing the product of the net contribution by element to the components of value identified by component predictive models and the capitalized value of the components of value that are present in the enterprise current operation taught by Tull, Jr in order to in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in

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domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claim 29, Atkins fail to explicitly teach wherein contributions by element to real option values are determined by:

calculating the difference between the real option value calculated using the company cost of capital and the value calculated using the discount rate determined on the basis of relative element strength and assigning the value difference to the different elements of value based on their relative contribution to the difference in the two discount rates.

However using a mathematical programming function which employs data means for receiving and storing data about each stock in the capital market portfolio modeling means which correlate the available data with economic forecast models to suggest an optimal basket of stock shares; and risk evaluation means predicting the future correlation of the selected stocks in the basket with the market valuation. Risk evaluation means employs a multi-factor risk model and relies on optimization techniques to ensure that the subset of stocks underlying an OPALS will track the market index as closely as possible.

The cooperation between data means, modeling means and risk evaluation means results in a basket of stock shares whose weighing further reflects liquidity considerations, industry exposure and market capitalization.(see column 7 lines 16-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins and in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

to include calculating the difference between the real option value calculated using the company cost of capital and the value calculated using the discount rate determined on the basis of relative element strength and assigning the value difference to the different elements of value based on their relative contribution to the difference in the two

discount rates in order to in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claim 30, Atkins discloses wherein contributions by element to market sentiment value are determined by subtracting any contributions by element to current operation value and real option value from the net contribution to business value identified by the business value predictive model.

As per claim 31, Atkins fail to explicitly teach where the element quantifications are continuously calculated for a specified point in time within a sequential series of points in time.

However Tull, Jr discloses a system and method for optimized selection of shares the performance of which is designed to track the performance of the related equity index over a limited period of time.(see column 3 lines 24-27).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include element quantifications are continuously calculated for a specified point in time within a sequential series of points in time in order to determine the value of assets.

As per claim 32, Atkins discloses where the intangible element quantifications are optionally reported using a paper document or electronic display.(see column 21 lines 65 and column 2 line 30-35).

As per claim 33, Atkins discloses a quantification system, comprising: a computer with a processor having circuitry to execute instructions; a storage device available to said processor with sequences of instructions stored therein, which when executed cause the processor . (see 22 lines 50-65 and column 23 and 24 lines 1-35 and line 60-65) and Enterprise.("i. e, financial institution" see column 5 lines 29-31"). Atkins fail to explicitly teach using data from a variety of sources to quantify the impact of intangible elements of value on aspects of financial performance.

However Tull, Jr discloses data processing system also receives input from the capital markets which input comprises raw transactions data for each stock.(see column 8 lines 49-59) and modeling system selects an optimized basket of shares which is representative of a particular capital market. This selection is done using a programming function which receives and stores data about each stock in the capital market, correlates the available data with economic forecast models to suggest an optimal basket of stock shares which can model the performance of the overall market, and predicts the future correlation of the selected stocks in the basket with the index of the market to ensure that they will track the market index closely. (see column lines 6-30) and this selection is done in accordance with one embodiment of the present invention using a mathematical programming function which employs data means for receiving and storing data about each stock in the capital market portfolio modeling means which correlate the available data with economic forecast models to suggest an optimal basket of stock shares; and risk evaluation means predicting the future correlation of the selected stocks in the basket with the market valuation. Risk evaluation means employs a multi-factor risk model and relies on optimization techniques to ensure that the subset of stocks underlying an OPALS will track the market index as closely as possible. The cooperation between data means, modeling means and risk evaluation means results in a basket of stock shares whose weighing further reflects liquidity considerations, industry exposure and market capitalization. (see column 7 lines 15-65 and column 6 lines 50-55) and it is yet another object of the present invention to provide a computer system for maintaining financial debt instruments that represent positions in one or more capital markets and which generates reports on the return of each financial debt instrument to the investors.(see column 3 lines 20-60).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include using data from a variety of sources to quantify the impact of intangible elements of value on aspects of financial performance taught by Tull, Jr in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security

markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claim 34, Atkins discloses a fiscal management network, comprising: a plurality of computers connected by a network each with a processor with having circuitry to execute instructions a storage device available to each processor with sequences of instructions stored therein which when executed cause the processors to. (see 22 lines 50-65 and column 23 and 24 lines 1-35 and line 60-65) and Enterprise. ("i. e, financial institution" see column 5 lines 29-31").

Atkins fail to explicitly teach integrate raw and transformed data from a variety of systems into models that determine the value of the current operation real options market sentiment segments of enterprise value by element of value and report the value of the elements of value, segments of value.

However Tull, Jr discloses data processing system also receives input from the capital markets which input comprises raw transactions data for each stock.(see column 8 lines 49-59) and modeling system selects an optimized basket of shares which is representative of a particular capital market. This selection is done using a programming function which receives and stores data about each stock in the capital market, correlates the available data with economic forecast models to suggest an optimal basket of stock shares which can model the performance of the overall market, and predicts the future correlation of the selected stocks in the basket with the index of the market to ensure that they will track the market index closely. (see column lines 6-30) and this selection is done in accordance with one embodiment of the present invention using a mathematical programming function which employs data means for receiving and storing data about each stock in the capital market portfolio modeling means which correlate the available data with economic forecast models to suggest an optimal basket of stock shares; and risk evaluation means predicting the future correlation of the selected stocks in the basket with the market valuation. Risk evaluation means employs a multi-factor risk model and relies on optimization



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techniques to ensure that the subset of stocks underlying an OPALS will track the market index as closely as possible. The cooperation between data means, modeling means and risk evaluation means results in a basket of stock shares whose weighing further reflects liquidity considerations, industry exposure and market capitalization. (see column 7 lines 15-65 and column 6 lines 50-55) and it is yet another object of the present invention to provide a computer system for maintaining financial debt instruments that represent positions in one or more capital markets and which generates reports on the return of each financial debt instrument to the investors. (see column 3 lines 20-60).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include integrate raw and transformed data from a variety of systems into models that determine the value of the current operation real options market sentiment segments of enterprise value by element of value and report the value of the elements of value, segments of value Taught by Tull, Jr in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claim 35, Atkins discloses a fiscal management network, comprising: a plurality of computers connected by a network each with a processor with having circuitry to execute instructions a storage device available to each processor with sequences of instructions stored therein which when executed cause the processors to. (see 22 lines 50-65 and column 23 and 24 lines 1-35 and line 60-65) and Enterprise. ("i. e, financial institution" see column 5 lines 29-31").

Atkins fail to explicitly teach integrate raw and transformed data from a variety of systems into models that determine the value of the current operation real options market sentiment segments of enterprise value by element of value and report the value of the elements of value, segments of value.

However Tull, Jr discloses data processing system also receives input from the capital markets which input comprises raw transactions data for each stock.(see column 8 lines 49-59) and modeling system selects an optimized basket of shares which is representative of a particular capital market. This selection is done using a programming function which receives and stores data about each stock in the capital market, correlates the available data with economic forecast models to suggest an optimal basket of stock shares which can model the performance of the overall market, and predicts the future correlation of the selected stocks in the basket with the index of the market to ensure that they will track the market index closely. (see column lines 6-30) and this selection is done in accordance with one embodiment of the present invention using a mathematical programming function which employs data means for receiving and storing data about each stock in the capital market portfolio modeling means which correlate the available data with economic forecast models to suggest an optimal basket of stock shares; and risk evaluation means predicting the future correlation of the selected stocks in the basket with the market valuation. Risk evaluation means employs a multi-factor risk model and relies on optimization techniques to ensure that the subset of stocks underlying an OPALS will track the market index as closely as possible. The cooperation between data means, modeling means and risk evaluation means results in a basket of stock shares whose weighing further reflects liquidity considerations, industry exposure and market capitalization. (see column 7 lines 15-65 and column 6 lines 50-55) and it is yet another object of the present invention to provide a computer system for maintaining financial debt instruments that represent positions in one or more capital markets and which generates reports on the return of each financial debt instrument to the investors.(see column 3 lines 20-60).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Atkins to include integrate raw and transformed data from a variety of systems into models that determine the value of the current operation real options market sentiment segments of enterprise value by element of value and report the value of the elements of value, segments of value

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Taught by Tull, Jr in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

#### Conclusion

8 The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Berent (US 5,774,873 Patent ) teaches electronic online motor vehicle auction and information system.

.Shintani (US Patent 5,668,591) teaches information terminal apparatus that is remotely programmed by radio waves and that displays input keys of program functions on a display.

Brown (US Patent 5,794,219) teaches method of conducting an online auction with bid pooling.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

September 13, 2004

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,068	01/19/2001	Jeff Scott Eder		6669

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JEFF EDER  
19108 30TH DRIVE SE  
MILL CREEK, WA 98012

EXAMINER

GRAHAM, CLEMENT B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/764,068

Applicant(s)

EDER, JEFF SCOTT

Examiner

Clement B. Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 36-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/31/04, 5/10/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Handwritten mark resembling a stylized 'R' or 'B'.

### DETAILED ACTION

1. **Claims 1-35 has been cancelled and claims 36-70 has been added.**

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 36-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall . U.S Patent 6, 073, 115 in view of Tull, Jr, U. S. Patent 6, 092, 056.

As per claims 36-45, Marshall discloses an enterprise method, comprising: integrating transaction data related to a commercial enterprise in accordance with a common schema, and developing a model of enterprise market value by element and category of value by completing a series of multivariate analyses that utilize at least a portion of said data where the categories of value are selected from the group consisting of current operation, real option, market sentiment and combinations thereof.(see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31).

Marshall fail to explicitly teach where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, vendors and vendor relationships and combinations thereof.

However Tull, Jr discloses providing data processing means for determining a price for a basket of shares which is packaged as a debt instrument so as to reflect the current aggregate value of the shares and accrued income and expenses associated with all shares in the basket. (see column 3 lines 33-37) and provide a financial management system to develop and administer a financial debt instrument traded as a listed security to investors desiring to track the performance of a domestic or foreign

Art Unit: 3628

capital market.(see column 3 lines 20-25 and column 6 lines 6-15 and column 7 lines 1-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Marshall to include where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, vendors and vendor relationships and combinations thereof taught by Tull, Jr in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claims 46-54, Marshall discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform method steps for performing an element method, the method steps comprising: integrating enterprise transaction data in accordance with a common model or schema, analyzing at least a portion of the data using a neural network model to identify one or more indirect indicators of value for each element of value by category of value where the categories of value are selected from the group consisting of current operation, real option, market sentiment' and combinations thereof.(see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31 and column 20-23 lines 1-60).

Marshall fail to explicitly teach determining a net relative contribution for each element to each category of value by modeling enterprise financial performance with said indirect indicators by category and element of value, calculating a value for each element of value using said contributions, and reporting the element values using an electronic display or a paper document.

However Tull, Jr discloses providing data processing means for determining a price for a basket of shares which is packaged as a debt instrument so as to reflect the current aggregate value of the shares and accrued income and expenses associated with all shares in the basket. (see column 3 lines 33-37) and provide a financial management

Art Unit: 3628

system to develop and administer a financial debt instrument traded as a listed security to investors desiring to track the performance of a domestic or foreign capital market.(see column 3 lines 20-25 and column 6 lines 6-15 and column 7 lines 1-65 and column 16 lines 54-67 and column 17-18 lines 1-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Marshall to include determining a net relative contribution for each element to each category of value by modeling enterprise financial performance with said indirect indicators by category and element of value, calculating a value for each element of value using said contributions, and reporting the element values using an electronic display or a paper document taught by Tull, Jr in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claims 55-63, Marshall discloses a future market value method, comprising: integrating enterprise related data in accordance with a common model or schema, developing a causal model of net element contribution to enterprise market value by category of value using at least a portion of said data, and identifying one or more element related changes that will optimize a future market value portion of enterprise market value by analyzing said model. (see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31 and column 20-23 lines 1-60).

As per claims 64-70, Marshall discloses a composite application method, comprising: using two or more independent components of application software to produce one or more useful results by processing enterprise related data where said enterprise related data has been integrated from two or more enterprise management systems in accordance with a common model or schema defined by an xml metadata standard. (see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31 and column 20-23 lines 1-60).



Art Unit: 3628

65. (new) The method of claim 64 where the independent components of application software can be flexibly combined as required to support the development of one or more useful results.

### **Conclusion**

#### **Response to arguments**

4 Response to arguments filed 12/31/2004 has been considered but they are moot in view of new grounds of rejections.

5. With respect to Applicant's argument, Examiner respectfully submits that obviousness is not determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Hedges*, 783 F.2d 1038, 1039, 228 USPQ\* 685, 686 (Fed. Cir. 1992); *In re Piaseckii*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984); *In re Rinehart*, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976). Using this standard, the Examiner respectfully submits that he has at least satisfied the burden of presenting a prima facie case of obviousness, since he has presented evidence of corresponding claim elements in the prior art and has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention (See paper number 10). Note, for example, in the instant case, the Examiner respectfully notes that each and every motivation to combine the applied references are accompanied by select portions of the respective reference(s) which specially support that particular motivation and /or an explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness. As such, it is not seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one of ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, *Ex pane Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. &, 4/293 Therefore the combination of reference is proper and the rejection is maintained.

Art Unit: 3628


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

June 24, 2005

  
FRANKY BONNILL  
PRIMARY EXAMINER  
AY 3628



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,068	01/19/2001	Jeff Scott Eder		6669

53787 7590 12/30/2005

ASSET TRUST, INC.  
2020 MALTBY ROAD  
SUITE 7362  
BOTHELL, WA 98021

EXAMINER

GRAHAM, CLEMENT B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/764,068

Applicant(s)

EDER, JEFF SCOTT

Examiner

Clement B. Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on October 15, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) 36-70 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

**1. Claims 36-70 remained pending.**

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 36-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall . U.S Patent 6, 073, 115 in view of Sheppard, U. S. Patent 6, 026, 397.

As per claims 36-45, Marshall discloses an enterprise method, comprising: integrating transaction data related to a commercial enterprise in accordance with a common schema, and developing a model of enterprise market value by element and category of value by completing a series of multivariate analyses that utilize at least a portion of said data where the categories of value are selected from the group consisting of current operation, real option, market sentiment and combinations thereof.(see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31).

Marshall fail to explicitly teach where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, vendors and vendor relationships and combinations thereof.

However Sheppard discloses another technical advantage of the present invention is that it may be used to predict customer or potential customer behavior, including, for example, propensity to respond to direct mail or telemarketing, product preference, profitability, credit risk and probability of attrition. The present invention also provides a technical advantage of identifying "unusual" customers and potentially fraudulent behavior by those customers. (see column 2 lines 44-51 and column 1 lines 34-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Marshall to include where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, vendors and vendor relationships and combinations thereof taught by Sheppard in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claims 46-54, Marshall discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform method steps for performing an element method, the method steps comprising:

integrating enterprise transaction data in accordance with a common model or schema, analyzing at least a portion of the data using a neural network model to identify one or more indirect indicators of value for each element of value by category of value where the categories of value are selected from the group consisting of current operation, real option, market sentiment' and combinations thereof.(see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31 and column 20-23 lines 1-60).

Marshall fail to explicitly teach determining a net relative contribution for each element to each category of value by modeling enterprise financial performance with said indirect indicators by category and element of value, calculating a value for each element of value using said contributions, and reporting the element values using an electronic display or a paper document.

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As per claims 55-63, Marshall discloses a future market value method, comprising: integrating enterprise related data in accordance with a common model or schema, developing a causal model of net element contribution to enterprise market value by category of value using at least a portion of said data, and identifying one or more element related changes that will optimize a future market value portion of enterprise market value by analyzing said model. (see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31 and column 20-23 lines 1-60).

As per claims 64-70, Marshall discloses a composite application method, comprising: using two or more independent components of application software to produce one or more useful results by processing enterprise related data where said enterprise related data has been integrated from two or more enterprise management systems in accordance with a common model or schema defined by an xml metadata standard. (see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31 and column 20-23 lines 1-60).

65. (new) The method of claim 64 where the independent components of application software can be flexibly combined as required to support the development of one or more useful results.

## **Conclusion**

### **Response to arguments**

Art Unit: 3628

4 Response to arguments filed 10/15/2005 has been considered but they are moot in view of new grounds of rejections.

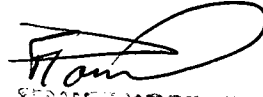
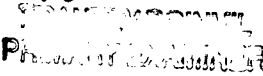
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

December 27, 2005

  
  
Art 3628



# Office Action Summary

Application No.

09/764,068

Applicant(s)

EDER, JEFF SCOTT

Examiner

Clement B. Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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## Status

- 1) ☒ Responsive to communication(s) filed on 4/8/2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 36-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
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- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
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## Attachment(s)

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| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

<b>Notice of References Cited</b>	Application/Control No. 09/764,068	Applicant(s)/Patent Under Reexamination EDER, JEFF SCOTT	
	Examiner Clement B. Graham	Art Unit 3628	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,909,708	06-2005	Krishnaswamy et al.	370/352
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

### DETAILED ACTION

1. Claims 36-70 remained pending.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 36-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall . U.S Patent 6, 073, 115 in view of Krishnaswamy et al(Hereinafter Krishnaswamy U. S. Patent 6, 909, 708.

As per claims 36-45, Marshall discloses an enterprise method, comprising: integrating transaction data related to a commercial enterprise in accordance with a common schema, and developing a model of enterprise market value by element and category of value by completing a series of multivariate analyses that utilize at least a portion of said data where the categories of value are selected from the group consisting of current operation, real option, market sentiment and combinations thereof.(see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31).

Marshall fail to explicitly teach where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, vendors and vendor relationships and combinations thereof.

However Krishnaswamy discloses in addition to the above mentioned components, a set of additional components are also architected into the MCI Intelligent Network. These components are: Intelligent Call Routing (ICR) services are offered for specialized call routing based on information obtained from the calling party either during the call or at an earlier time. Routing is also based on the knowledge of the physical and logical network layout. Additional intelligent routing services based on time

of day, alternate routing based on busy routes are also offered. Billing is a key component of the MCI Intelligent Network. The billing component provides services for customer billing based on call type and call duration. Specialized billing services are additionally provided for value added services like the 800 Collect calls. Fraud Monitoring component is a key component of the MCI Intelligent Network providing services for preventing loss of revenue due to fraud and illegal usage of the network. Operational Measurements include information gathering for analysis of product performance. Analysis of response to advertising campaigns, calling patterns resulting in specialized reports result from operational measurements. Information gathered is also used for future product planning and predicting infrastructure requirements. Usage Statistics Reporting includes gathering information from operational databases and billing information to generate reports of usage. The usage statistics reports are used to study call patterns, load patterns and also demographic information. These reports are used for future product plans and marketing input.(see column 20 lines 65 and column221 lines –222lines 1-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Marshall to include where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, vendors and vendor relationships and combinations thereof taught by Krishnaswamy in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claims 46-54, Marshall discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform method steps for performing an element method, the method steps comprising: integrating enterprise transaction data in accordance with a common model or schema,

analyzing at least a portion of the data using a neural network model to identify one or more indirect indicators of value for each element of value by category of value where the categories of value are selected from the group consisting of current operation, real option, market sentiment' and combinations thereof.(see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31 and column 20-23 lines 1-60).

Marshall fail to explicitly teach determining a net relative contribution for each element to each category of value by modeling enterprise financial performance with said indirect indicators by category and element of value, calculating a value for each element of value using said contributions, and reporting the element values using an electronic display or a paper document.

However Krishnaswamy discloses in addition to the above mentioned components, a set of additional components are also architected into the MCI Intelligent Network. These components are: Intelligent Call Routing (ICR) services are offered for specialized call routing based on information obtained from the calling party either during the call or at an earlier time. Routing is also based on the knowledge of the physical and logical network layout. Additional intelligent routing services based on time of day, alternate routing based on busy routes are also offered. Billing is a key component of the MCI Intelligent Network. The billing component provides services for customer billing based on call type and call duration. Specialized billing services are additionally provided for value added services like the 800 Collect calls. Fraud Monitoring component is a key component of the MCI Intelligent Network providing services for preventing loss of revenue due to fraud and illegal usage of the network. Operational Measurements include information gathering for analysis of product performance. Analysis of response to advertising campaigns, calling patterns resulting in specialized reports result from operational measurements. Information gathered is also used for future product planning and predicting infrastructure requirements. Usage Statistics Reporting includes gathering information from operational databases and billing information to generate reports of usage. The usage statistics reports are used to study call patterns, load patterns and also demographic information. These reports are

**Response to arguments**

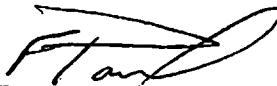
4 Response to arguments filed 10/15/2005 has been considered but they are moot in view of new grounds of rejections.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Souh can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG  
July 15, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
A4 3628



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,068	01/19/2001	Jeff Scott Eder		6669
53787	7590	08/23/2007		
ASSET TRUST, INC. 2020 MALTBY ROAD SUITE 7362 BOTHELL, WA 98021			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/764,068	<b>Applicant(s)</b> EDER, JEFF SCOTT	
	<b>Examiner</b> Clement B. Graham	<b>Art Unit</b> 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |



### **DETAILED ACTION**

1. Claims 36-74 remained pending.

#### **Claim Rejections - 35 USC § 101**

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 36, 55, 64, 70, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claims recites "integrating" "developing", "analyzing" identifying "determining", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

#### **Claim Rejections - 35 USC § 112**

- 3 The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 36, 55, 64, 70, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.  
In particular, Claims 36, 46, 55, 64, 70, recites the words [" enterprise related transacted data, at least some data, net relative contribution, using at least a portion of said data,"]. However this language fails to distinctly claim Applicant's invention because the scope of the claim is unclear. Because these terms does not describes the data. Moreover the specification fails to clarify, the meaning of the limitations. Appropriate correction is required.

In particular, Claims 46, recites [" determining a net relative contribution for each element of value, and further states calculating a value for each element of value using said contributions, What contributions the relative one or just contributions?-----"].

However this language fails to distinctly claim Applicant's invention because the scope of the

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claim is unclear Because these terms does not describes the data. Moreover the specification fails to clarify, the meaning of the limitations. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 36-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall . U.S Patent 6, 073, 115 in view of Krishnaswamy et al(Hereinafter Krishnaswamy U. S. Patent 6, 909, 708.

As per claims 36-45, Marshall discloses an enterprise method, comprising:  
integrating transaction data related to a commercial enterprise in accordance with a common schema, and  
developing a model of enterprise market value by element and category of value by completing a series of multivariate analyses that utilize at least a portion of said data where the categories of value are selected from the group consisting of current operation, real option, market sentiment and combinations thereof.(see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31).

Marshall fail to explicitly teach where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, vendors and vendor relationships and combinations thereof.

However Krishnaswamy discloses in addition to the above mentioned components, a set of additional components are also architected into the MCI Intelligent Network. These components are: Intelligent Call Routing (ICR) services are offered for specialized call routing based on information obtained from the calling party either during the call or at an earlier time. Routing is also based on the knowledge of the

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physical and logical network layout. Additional intelligent routing services based on time of day, alternate routing based on busy routes are also offered. Billing is a key component of the MCI Intelligent Network. The billing component provides services for customer billing based on call type and call duration. Specialized billing services are additionally provided for value added services like the 800 Collect calls. Fraud Monitoring component is a key component of the MCI Intelligent Network providing services for preventing loss of revenue due to fraud and illegal usage of the network. Operational Measurements include information gathering for analysis of product performance. Analysis of response to advertising campaigns, calling patterns resulting in specialized reports result from operational measurements. Information gathered is also used for future product planning and predicting infrastructure requirements. Usage Statistics Reporting includes gathering information from operational databases and billing information to generate reports of usage. The usage statistics reports are used to study call patterns, load patterns and also demographic information. These reports are used for future product plans and marketing input.(see column 20 lines 65 and column221 lines –222lines 1-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Marshall to include where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, vendors and vendor relationships and combinations thereof taught by Krishnaswamy in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claims 46-54, Marshall discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform method steps for performing an element method, the method steps comprising:

integrating enterprise transaction data in accordance with a common model or schema, analyzing at least a portion of the data using a neural network model to identify one or more indirect indicators of value for each element of value by category of value where the categories of value are selected from the group consisting of current operation, real option, market sentiment' and combinations thereof.(see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31 and column 20-23 lines 1-60).

Marshall fail to explicitly teach determining a net relative contribution for each element to each category of value by modeling enterprise financial performance with said indirect indicators by category and element of value, calculating a value for each element of value using said contributions, and reporting the element values using an electronic display or a paper document.

However Krishnaswamy discloses in addition to the above mentioned components, a set of additional components are also architected into the MCI Intelligent Network. These components are: Intelligent Call Routing (ICR) services are offered for specialized call routing based on information obtained from the calling party either during the call or at an earlier time. Routing is also based on the knowledge of the physical and logical network layout. Additional intelligent routing services based on time of day, alternate routing based on busy routes are also offered. Billing is a key component of the MCI Intelligent Network. The billing component provides services for customer billing based on call type and call duration. Specialized billing services are additionally provided for value added services like the 800 Collect calls. Fraud Monitoring component is a key component of the MCI Intelligent Network providing services for preventing loss of revenue due to fraud and illegal usage of the network. Operational Measurements include information gathering for analysis of product performance. Analysis of response to advertising campaigns, calling patterns resulting in specialized reports result from operational measurements. Information gathered is

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also used for future product planning and predicting infrastructure requirements. Usage Statistics Reporting includes gathering information from operational databases and billing information to generate reports of usage. The usage statistics reports are used to study call patterns, load patterns and also demographic information. These reports are used for future product plans and marketing input.(see column 20 lines 65 and column 221 lines 1-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Marshall to determining a net relative contribution for each element to each category of value by modeling enterprise financial performance with said indirect indicators by category and element of value, calculating a value for each element of value using said contributions, and reporting the element values using an electronic display or a paper document taught by Krishnaswamy in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claims 55-63, Marshall discloses a future market value method, comprising:  
integrating enterprise related data in accordance with a common model or schema,  
developing a causal model of net element contribution to enterprise market value by category of value using at least a portion of said data, and  
identifying one or more element related changes that will optimize a future market value portion of enterprise market value by analyzing said model. (see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31 and column 20-23 lines 1-60).

As per claims 64-69, Marshall discloses a composite application method, comprising:  
using two or more independent components of application software to produce one or more useful results by processing enterprise related data where said enterprise related data has been integrated from two or more enterprise management systems in accordance with a

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common model or schema defined by an xml metadata standard. (see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31 and column 20-23 lines 1-60).

As per claim 71, Marshall discloses where each of one or more tables in an application database further comprise one axis that is defined by one or more time periods that require data and another axis that is defined by one or more data categories selected from the group consisting of components of value, sub components of value, known value drivers, elements of value, non-relevant attributes and combinations thereof.

As per claim 70, Marshall discloses a data processing method, comprising:  
Integrating, converting and storing enterprise related transaction data in accordance with a common xml schema to support organization processing  
where a set of integration and conversion rules are established using a metadata and conversion rules window and saved in metadata mapping table, where some data are pre-specified for integration and conversion, where the common schema further comprises a network schema that is defined by an xml metadata see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31 and column 20-23 lines 1-60).

As per claims 72, Marshall discloses a market value accounting method, comprising:  
preparing a plurality of enterprise related data for use in processing,  
analyzing the data with a series of models as required to identify a tangible contribution of each of one or more elements of value to each of one or more categories of value where the categories of value further comprise a current operation category of value and a category of value selected from the group consisting of real option, market sentiment and combinations thereof,  
using the tangible contribution for each element of value to identify a value for each element of value. metadata see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31 and column 20-23 lines 1-60).

Marshall fail to explicitly teach reporting the value of each element of value in a balance sheet format where the elements of value are customers and elements of value selected from the group consisting of alliances, brands, channels, employees, intellectual property, partnerships, processes, vendors and vendor relationships and combinations thereof.

However Krishnaswamy discloses in addition to the above mentioned components, a set of additional components are also architected into the MCI Intelligent Network. These components are: Intelligent Call Routing (ICR) services are offered for specialized call routing based on information obtained from the calling party either during the call or at an earlier time. Routing is also based on the knowledge of the physical and logical network layout. Additional intelligent routing services based on time of day, alternate routing based on busy routes are also offered. Billing is a key component of the MCI Intelligent Network. The billing component provides services for customer billing based on call type and call duration. Specialized billing services are additionally provided for value added services like the 800 Collect calls. Fraud Monitoring component is a key component of the MCI Intelligent Network providing services for preventing loss of revenue due to fraud and illegal usage of the network. Operational Measurements include information gathering for analysis of product performance. Analysis of response to advertising campaigns, calling patterns resulting in specialized reports result from operational measurements. Information gathered is also used for future product planning and predicting infrastructure requirements. Usage Statistics Reporting includes gathering information from operational databases and billing information to generate reports of usage. The usage statistics reports are used to study call patterns, load patterns and also demographic information. These reports are used for future product plans and marketing input.(see column 20 lines 65 and column 221 lines –222 lines 1-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Marshall to include reporting the value of each element of value in a balance sheet format where the elements of value

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are customers and elements of value selected from the group consisting of alliances, brands, channels, employees, intellectual property, partnerships, processes, vendors and vendor relationships and combinations thereof taught by Krishnaswamy in order to manage financial debt instruments designed for investors whose objective is to track the performance of certain security markets within a limited period of time. More particularly, the invention relates to an integrated financial management system for implementing investor participation in domestic and foreign capital markets through positions in indexed vehicles which are packaged as debt instruments.

As per claims 73, Marshall discloses further comprising including a value for a plurality of financial assets in a report with a balance sheet format. (see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31).

As per claims 74, Marshall discloses further comprises:

tracking a change in a value of each of one or more elements of value over time, and including the calculated changes in value of each element of value in an income statement or a cash flow statement. (see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31).

## **Conclusion**

### **Response to arguments**

7 Applicant's arguments filed 10/21/2006 has been considered but they are moot in view of new grounds of rejections.

In response to Applicant's arguments Marshall and Krishnaswamy fail to teach or suggest "integrating transaction data related to a commercial enterprise in accordance with a common schema, and developing a model of enterprise market value by element and category of value by completing a series of multivariate analyses that utilize at least a portion of said data where the categories of value are selected from the group consisting of current operation, real option, market sentiment and combinations thereof where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships,



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processes, vendors and vendor relationships and combinations thereof and a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform method steps for performing an element method, the method steps comprising, integrating enterprise transaction data in accordance with a common model or schema, analyzing at least a portion of the data using a neural network model to identify one or more indirect indicators of value for each element of value by category of value where the categories of value are selected from the group consisting of current operation, real option, market sentiment' and combinations thereof' the Examiner disagrees with Applicant' because these limitations were addressed at stated.

Marshall teaches integrating transaction data related to a commercial enterprise in accordance with a common schema, and

developing a model of enterprise market value by element and category of value by completing a series of multivariate analyses that utilize at least a portion of said data where the categories of value are selected from the group consisting of current operation, real option, market sentiment and combinations thereof.(see column 3 lines 43-67 and column 4 lines 1-67 and column 5 lines 1-31).

Krishnaswamy discloses in addition to the above mentioned components, a set of additional components are also architected into the MCI Intelligent Network. These components are: Intelligent Call Routing (ICR) services are offered for specialized call routing based on information obtained from the calling party either during the call or at an earlier time. Routing is also based on the knowledge of the physical and logical network layout. Additional intelligent routing services based on time of day, alternate routing based on busy routes are also offered. Billing is a key component of the MCI Intelligent Network. The billing component provides services for customer billing based on call type and call duration. Specialized billing services are additionally provided for value added services like the 800 Collect calls. Fraud Monitoring component is a key component of the MCI Intelligent Network providing services for preventing loss of revenue due to fraud and illegal usage of the network. Operational Measurements include information gathering for analysis of product performance. Analysis of response

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to advertising campaigns, calling patterns resulting in specialized reports result from operational measurements. Information gathered is also used for future product planning and predicting infrastructure requirements. Usage Statistics Reporting includes gathering information from operational databases and billing information to generate reports of usage. The usage statistics reports are used to study call patterns, load patterns and also demographic information. These reports are used for future product plans and marketing input.(see column 20 lines 65 and column 221 lines –222 lines 1-67).

Therefore it is obviously clear that Applicant's claimer limitations were addressed with the teachings of Marshall and Krishnaswamy.

8. Applicant also maintains Marshall and Krishnaswamy cannot be combined, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. In *re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also *In re Eli Lilly & Co.*, 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); *In re Nilssen*, 851 F.2d 1401, 7 USPQ2d 1500 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); *Ex parte Clapp*, 227 USPQ 972 (Bd. Pat. App. & Inter); and *Es parte*

*Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning).

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Also in reference to Ex parte Levengood, 28 USPQ2d, 1301, the court stated that "Obviousness is a legal conclusion, the determination of which is a question of patent law. Motivation for combining the teachings of the various references need not to explicitly found in the reference themselves, In re Keller, 642 F.2d 413, 208USPQ 871 (CCPA 1981). Indeed, the Examiner may provide an explanation based on logic and sound scientific reasoning that will support a holding of obviousness. In re Soli, 317 F.2d 941 137 USPQ 797 (CCPA 1963)."


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Aug 11, 2007

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
Au 3692



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,450	08/29/2001	Jeff S. Eder		5509

29051 7590 05/23/2003

JEFF EDER  
19108 30TH DRIVE SE  
MILL CREEK, WA 98012

EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
----------	--------------

3628

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/940,450

Applicant(s)

EDER, JEFF S.

Examiner

Clement B Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 34-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claim1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, particularly, an abstract idea.

The Examiner notes that the disclosed invention is within the technological arts. The claimed invention is also noted not to be a computer program, data structure, a natural phenomenon, and a non-descriptive material per se. The claimed invention does not include a series of steps to be performed by a computer. The claimed invention also is not a product for performing a process, not it is a specific machine or manufacture. The claimed invention is not a specific tangible machine or process for facilitating a business transaction. Claim 1 do not appear to correspond to a specific machine or manufacture disclosed within the instant specification and thus encompasses any product of the class configured in any manner to perform the underlying process. The claimed invention of claim 1, also does not include a post-computer process activity or a pre-computer process activity. Thus, no physical transformation is performed, no practical application in the technological art is found. Consequently, claim 1 is analyzed based upon the underlying process, and are thus rejected as being directed to a non-statutory process.

***Claim Rejections - 35 USC § 102***

2. Rejection under 35 U.S.C 102(e), Patent Application Publication or Patent to Another with Earlier Filing Date, in view of the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 34-40, 42-48, 50-52, are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah U.S Patent 6,332,163).

As per claims 34-35, Bowman-Amuah discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processor in a computer to perform a data preparation method, comprising: integrating data from a variety of systems using xml. (See column 41 and 42 lines 5-30). Bowman-Amuah also discloses a common schema. (See column 52- lines 45 and column 281 lines 50-55).

As per claim 36, Bowman-Amuah discloses a the computer readable medium of claim 35 wherein the designated organization is a single product, a group of products, a division, a company, a multi-company corporation or a value chain. (See column 3 line 65 and column 4 line 5).

As per claim 38, Bowman-Amuah discloses the computer readable medium of claim 37 where the data structure is a hierarchy.(See column 14 line 5).

As per claim 39, Bowman-Amuah discloses the computer readable medium of claim 34 where the common schema includes a data dictionary. (See column 4 line 30).

As per claim 40, Bowman-Amuah discloses the computer readable medium of claim 39 where the data dictionary defines standard data attributes from the group consisting of account numbers, components of value, currencies, elements of value, units of measure and time periods. (See column 4 lines 30-45).

As per claim 42, Bowman-Amuah discloses the the computer readable medium of claim 34 wherein at least a portion of the data is from the Internet or an external database. (See column 42 line 45).

As per claim 43, Bowman-Amuah discloses the computer readable medium of claim 34 where the data preparation method further comprises converting data to match the common schema.(See column 4 line 55).

As per claim 44, Bowman-Amuah discloses (amended) A data preparation method, comprising:



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integrating data from a variety of systems using xml and a common schema. (See column 41 and 42 lines 5-30 and column 52- lines 45 and column 281 lines 50-55).

As per claim 45, Bowman-Amuah discloses the method of claim 44 where the common schema includes an organization designation and data structure. (See column 14 line 5).

As per claim 46, Bowman-Amuah discloses the method of claim 45 wherein the designated organization is a single product, a group of products, a division, a company, a multi-company corporation or a value chain. (See column 3 line 65 and column 4 line 5).

As per claim 47, Bowman-Amuah discloses the method of claim 44 where the common schema includes a data dictionary. (See column 4 line 30).

As per claim 48, Bowman-Amuah discloses the method of claim 47 where the data dictionary defines standard data attributes from the group consisting of account numbers, components of value, currencies, elements of value, units of measure and time periods. (See column 4 lines 30-45).

As per claim 50, Bowman-Amuah discloses the method of claim 44 wherein at least a portion of the data is from the Internet or external databases. (See column 42 line 45).

As per claim 51, Bowman-Amuah discloses the method of claim 44 where the data preparation method further comprises converting and storing data in accordance with the common schema. (See 48 line 50-65 and column 6 line 45).

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As per claim 52, Bowman-Amuah discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processors in a plurality of computers connected via a network to perform the data preparation method of claim 44.(See column 219 lines 5-10).

4. Claims 41, 49,53-60, are rejected under 35 U.S.C. 103(a) as being unpatentable Bowman-Bowman-Amuah (Hereinafter Bowman-Amuah U.S Patent 6,332,163).

As per claim 41, Bowman-Amuah discloses the computer readable medium of claim 34 where data is obtained from the group consisting of advanced financial systems.(See column 8 lines 25-30) Bowman-Amuah do not explicitly teach , basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, intellectual property management systems, process management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems and purchasing systems. However receiving data related to different groups of systems is old and well known in the art of transmission of data.

Therefore it would have been obvious to one of ordinary skill in the art at he time the invention was made that the teachings of Bowman-Amuah would have had a feature in place that will allow for the performance of these functions. The benefit would have been for a system to be receiving and transmitting a plurality of data.

As per claim 49, Bowman-Amuah discloses the computer readable medium of claim 34 where data is obtained from the group consisting of advanced financial systems. (See column 8 lines 25-30) Bowman-Amuah do not explicitly teach, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, intellectual property management systems, process management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems and purchasing systems. However receiving data related to different groups of systems is old and well known in the art of transmission of data.

As per claim 53, Bowman-Amuah discloses a computer implemented organization system, comprising:  
networked computers each with a processor having circuitry to execute instructions; a storage device available to each processor with sequences of instructions stored therein, which when executed cause the processors to. (Note abstract and see column 10 lines 10-30). Bowman-Amuah do not explicitly teach transform data from a variety of systems into a probabilistic model that quantifies the value contribution of elements of value to a value of an enterprise by category; and capturing proposed changes in element value drivers, using the element impact model to simulate the impact of the proposed changes on enterprise financial performance, and displaying the result of the simulation using a paper document or electronic display.

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However teach transforming data from a variety of systems into a probabilistic model that quantifies the value contribution of elements of value to a value of an enterprise by category; and capturing proposed changes in element value drivers, using the element impact model to simulate the impact of the proposed changes on enterprise financial performance, and displaying the result of the simulation using a paper document or electronic display is old and well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made the teachings of Bowman-Amuah could have been adaptive in performing these functions. The benefit would have been to have to create a networked of computers each with a processor having circuitry to execute instructions.

As per claim 54, Bowman-Amuah do not explicitly teach a computer readable medium having sequences of instructions stored therein, which when executed cause the processors in a plurality of computers connected via a network to perform an organization method, comprising:

integrating data from a variety of systems into models that quantify element of value

impact on a value of an enterprise by category of value;

determining a value for each of the categories of value;

combining the category values and element impacts to determine a value for each

element of value; and

displaying the value of the enterprise and the value of each of the elements of value

using a paper document or electronic display.

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However integrating data from a variety of systems into models that quantify element of value impact on a value of an enterprise by category of value, determining a value for each of the categories of value, combining the category values and element impacts to determine a value for each element of value, and displaying the value of the enterprise and the value of each of the elements of value using a paper document or electronic display is old and well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include these functions in order to pass data from a variety of systems.

The benefit would have been to obtain a results based on the assimilation and valuation technique applied.

As per claim 55, Bowman-Amuah discloses the computer readable medium of claim 54 wherein the enterprise is a single product, a group of products, a division or a company. (See column 3 line 65 and column 4 line 5).

As per claims 56, Bowman-Amuah discloses the computer readable medium of claim 34 where data is obtained from the group consisting of advanced financial systems.(See column 8 lines 25-30) Bowman-Amuah do not explicitly teach , basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, intellectual property management systems, process management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems,

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capital asset systems, inventory systems, invoicing systems, payroll systems and purchasing systems. However receiving data related to different groups of systems is old and well known in the art of transmission of data.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Bowman-Amuah could have created a system that would perform these functions.

The benefit would have been for a system to be receiving and transmitting a plurality of data.

As per claim 57, Bowman-Amuah does not explicitly teach the computer readable medium of claim 54 where the elements of value are selected from the group consisting of relationships, brands, channels, customers, employees, intellectual property, partners, processes, production equipment and vendors.

However elements of value are selected from the group consisting of relationships, brands, channels, customers, employees, intellectual property, partners, processes, production equipment and vendors is old and well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Bowman-Amuah could have been adaptive in performing these functions. The benefit would have been selecting of various elements in conducting their business.

As per claim 58, Bowman-Amuah do not explicitly teach discloses the computer readable medium of claim 54 wherein the models that quantify element impact are from the group consisting of neural networks; regression trees; projection pursuit regression;

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generalized additive model (GAM); redundant regression network; Bayes Regression, linear regression; support vector method, stepwise regression, entropy minimization, minimum message length (MML), Markov, LaGrange, Bayesian and path analysis. However models that quantify element impact are from the group consisting of neural networks; regression trees; projection pursuit regression; generalized additive model (GAM); redundant regression network; Bayes Regression, linear regression; support vector method, stepwise regression, entropy minimization, minimum message length (MML), Markov, LaGrange, Bayesian and path analysis. Is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Bowman-Amuah could have been adaptive in performing these functions. The benefit would have been to have models that quantify element impact are from the group consisting of neural networks

As per claim 59, Bowman-Amuah do not explicitly teach the computer readable medium of claim 54 where the categories of value are selected from the group consisting of current operation, real options and market sentiment.

However performing functions such as categories of value and selected from the group consisting of current operation, real options and market sentiment is old and well known in the art.

Therefore it would have been obvious to one of ordinary skill in art at the time the invention was made that the teachings of Bowman-Amuah if applied could have perform these functions. The benefit would have been to select categories consisting of real options.

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As per claim 60, Amauh do not explicitly teach the computer readable medium of claim 54 wherein the contribution of each element of value to a value of the enterprise is determined by its net impact on the categories of value and the other elements of value for the enterprise.

However functions such as contribution of each element of value to a value of the enterprise is determined by its net impact on the categories of value and the other elements of value for the enterprise is old and well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention made to that the teachings of Bowman-Amuah could have been adaptive in performing these functions. The benefit would have been to determined net impact on the different categories .

#### Conclusion

5. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Roberts et al (US Patent 4,893,804) teaches method and apparatus for insuring the funding of future liability of uncertain cost.

(US 6,252,869 Patent) teaches data network security system and method.

.Gaff (US Patent 5,802,501) teaches system and methods for computing to support decomposing property into separately valued components.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Souh can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

May 19, 2003



**JEFFREY PWU**  
**PPRIMARY EXAMINER**



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,450	08/29/2001	Jeff S. Eder		5509

29051 7590 11/24/2003

JEFF EDER  
19108 30TH DRIVE SE  
MILL CREEK, WA 98012

EXAMINER

GRAHAM, CLEMENT B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/940,450

Applicant(s)

EDER, JEFF S.

Examiner

Clement B Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 34-134 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-134 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s)                         6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claim1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, particularly, an abstract idea.

The Examiner notes that the disclosed invention is within the technological arts. The claimed invention is also noted not to be a computer program, data structure, a natural phenomenon, and a non-descriptive material per se. The claimed invention does not include a series of steps to be performed by a computer. The claimed invention also is not a product for performing a process, not it is a specific machine or manufacture. The claimed invention is not a specific tangible machine or process for facilitating a business transaction. Claim 1 do not appear to correspond to a specific machine or manufacture disclosed within the instant specification and thus encompasses any product of the class configured in any manner to perform the underlying process. The claimed invention of claim 1, also does not include a post-computer process activity or a pre-computer process activity. Thus, no physical transformation is performed, no practical application in the technological art is found. Consequently, claim 1 is analyzed based upon the underlying process, and are thus rejected as being directed to a non-statutory process.

Claim Rejections - 35 USC § 102

2. Rejection under 35 U.S.C 102(e), Patent Application Publication or Patent to Another with Earlier Filing Date, in view of the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 34-40, 42-48, 50-52, are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah U.S Patent 6,332,163).

As per claims 34-35, Bowman-Amuah discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processor in a computer to perform a data preparation method, comprising: integrating data from a variety of sources using xml and a common schema to support organization processing . (See column 41 and 42 lines 5-30). Bowman-Amuah also discloses a common schema. (See column 52 line 45 and column 281 lines 50-55).

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As per claim 36, Bowman-Amuah discloses a the computer readable medium of claim 35 wherein the designated organization is a single product, a group of products, a division, a company, a multi-company corporation or a value chain. (See column 3 line 65 and column 4 line 5).

As per claim 38, Bowman-Amuah discloses the computer readable medium of claim 37 where the data structure is a hierarchy.(See column 14 line 5).

As per claim 39, Bowman-Amuah discloses the computer readable medium of claim 34 where the common schema includes a data dictionary. (See column 4 line 30).

As per claim 40, Bowman-Amuah discloses the computer readable medium of claim 39 where the data dictionary defines standard data attributes from the group consisting of account numbers, components of value, currencies, elements of value, units of measure and time periods. (See column 4 lines 30-45).

As per claim 42, Bowman-Amuah discloses the the computer readable medium of claim 34 wherein at least a portion of the data is from the Internet or an external database. (See column 42 line 45).

As per claim 43, Bowman-Amuah discloses the computer readable medium of claim 34 where the data preparation method further comprises converting data to match the common schema.(See column 4 line 55).

As per claim 44, Bowman-Amuah discloses (amended) A data preparation method, comprising:

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integrating data from a variety of systems using xml and a common schema. (See column 41 and 42 lines 5-30 and column 52- lines 45 and column 281 lines 50-55).

As per claim 45, Bowman-Amuah discloses the method of claim 44 where the common schema includes an organization designation and data structure. (See column 14 line 5).

As per claim 46, Bowman-Amuah discloses the method of claim 45 wherein the designated organization is a single product, a group of products, a division, a company, a multi-company corporation or a value chain. (See column 3 line 65 and column 4 line 5).

As per claim 47-61, Bowman-Amuah discloses the method of claim 44 where the common schema includes a data dictionary. (See column 4 line 30).

As per claim 48, Bowman-Amuah discloses the method of claim 47 where the data dictionary defines standard data attributes from the group consisting of account numbers, components of value, currencies, elements of value, units of measure and time periods. (See column 4 lines 30-45).

As per claim 50, Bowman-Amuah discloses the method of claim 44 wherein at least a portion of the data is from the Internet or external databases. (See column 42 line 45).

As per claim 51, Bowman-Amuah discloses the method of claim 44 where the data preparation method further comprises converting and storing data in accordance with the common schema. (See 48 line 50-65 and column 6 line 45).

As per claim 52, Bowman-Amuah discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processors in a plurality of computers connected via a network to perform the data preparation method of claim 44.(See column 219 lines 5-10).

4. Claims 41, 49,53-60, are rejected under 35 U.S.C. 103(a) as being unpatentable Bowman-Bowman-Amuah (Hereinafter Bowman-Amuah U.S Patent 6,332,163).

As per claim 41, Bowman-Amuah discloses the computer readable medium of claim 34 where data is obtained from the group consisting of advanced financial systems.(See column 8 lines 25-30) Bowman-Amuah do not explicitly teach , basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, intellectual property management systems, process management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems and purchasing systems. However receiving data related to different groups of systems is old and well known in the art of transmission of data.

Therefore it would have been obvious to one of ordinary skill in the art at he time the invention was made that the teachings of Bowman-Amuah would have had a feature in place that will allow for the performance of these functions. The benefit would have been for a system to be receiving and transmitting a plurality of data.



As per claim 49, Bowman-Amuah discloses the computer readable medium of claim 34 where data is obtained from the group consisting of advanced financial systems. (See column 8 lines 25-30) Bowman-Amuah do not explicitly teach , basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, intellectual property management systems, process management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems and purchasing systems. However receiving data related to different groups of systems is old and well known in the art of transmission of data.

As per claim 53, Bowman-Amuah discloses a computer implemented organization system, comprising:  
networked computers each with a processor having circuitry to execute instructions; a storage device available to each processor with sequences of instructions stored therein, which when executed cause the processors to. (Note abstract and see column 10 lines 10-30). Bowman-Amuah do not explicitly teach transform data from a variety of systems into a probabilistic model that quantifies the value contribution of elements of value to a value of an enterprise by category; and capturing proposed changes in element value drivers, using the element impact model to simulate the impact of the proposed changes on enterprise financial performance, and displaying the result of the simulation using a paper document or electronic display.

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However teach transforming data from a variety of systems into a probabilistic model that quantifies the value contribution of elements of value to a value of an enterprise by category; and capturing proposed changes in element value drivers, using the element impact model to simulate the impact of the proposed changes on enterprise financial performance, and displaying the result of the simulation using a paper document or electronic display is old and well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made the teachings of Bowman-Amuah could have been adaptive in performing these functions. The benefit would have been to have to create a networked of computers each with a processor having circuitry to execute instructions.

As per claim 54, Bowman-Amuah do not explicitly teach a computer readable medium having sequences of instructions stored therein, which when executed cause the processors in a plurality of computers connected via a network to perform an organization method, comprising:

integrating data from a variety of systems into models that quantify element of value

impact on a value of an enterprise by category of value;

determining a value for each of the categories of value;

combining the category values and element impacts to determine a value for each

element of value; and

displaying the value of the enterprise and the value of each of the elements of value

using a paper document or electronic display.

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However integrating data from a variety of systems into models that quantify element of value impact on a value of an enterprise by category of value, determining a value for each of the categories of value, combining the category values and element impacts to determine a value for each element of value, and displaying the value of the enterprise and the value of each of the elements of value using a paper document or electronic display is old and well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include these functions in order to pass data from a variety of systems.

The benefit would have been to obtain a results based on the assimilation and valuation technique applied.

As per claim 55, Bowman-Amuah discloses the computer readable medium of claim 54 wherein the enterprise is a single product, a group of products, a division or a company. (See column 3 line 65 and column 4 line 5).

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capital asset systems, inventory systems, invoicing systems, payroll systems and purchasing systems. However receiving data related to different groups of systems is old and well known in the art of transmission of data.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Bowman-Amuah could have created a system that would perform these functions.

The benefit would have been for a system to be receiving and transmitting a plurality of data.

As per claim 57, Bowman-Amuah does not explicitly teach the computer readable medium of claim 54 where the elements of value are selected from the group consisting of relationships, brands, channels, customers, employees, intellectual property, partners, processes, production equipment and vendors.

However elements of value are selected from the group consisting of relationships, brands, channels, customers, employees, intellectual property, partners, processes, production equipment and vendors is old and well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Bowman-Amuah could have been adaptive in performing these functions. The benefit would have been selecting of various elements in conducting their business.

As per claim 58, Bowman-Amuah do not explicitly teach discloses the computer readable medium of claim 54 wherein the models that quantify element impact are from the group consisting of neural networks; regression trees; projection pursuit regression;

generalized additive model (GAM); redundant regression network; Bayes Regression, linear regression; support vector method, stepwise regression, entropy minimization, minimum message length (MML), Markov, LaGrange, Bayesian and path analysis. However models that quantify element impact are from the group consisting of neural networks; regression trees; projection pursuit regression; generalized additive model (GAM); redundant regression network; Bayes Regression, linear regression; support vector method, stepwise regression, entropy minimization, minimum message length (MML), Markov, LaGrange, Bayesian and path analysis. Is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Bowman-Amuah could have been adaptive in performing these functions. The benefit would have been to have models that quantify element impact are from the group consisting of neural networks

As per claim 59, Bowman-Amuah do not explicitly teach the computer readable medium of claim 54 where the categories of value are selected from the group consisting of current operation, real options and market sentiment.

However performing functions such as categories of value and selected from the group consisting of current operation, real options and market sentiment is old and well known in the art.

Therefore it would have been obvious to one of ordinary skill in art at the time the invention was made that the teachings of Bowman-Amuah if applied could have perform these functions. The benefit would have been to select categories consisting of real options.

As per claim 60, Amauh do not explicitly teach the computer readable medium of claim 54 wherein the contribution of each element of value to a value of the enterprise is determined by its net impact on the categories of value and the other elements of value for the enterprise.

However functions such as contribution of each element of value to a value of the enterprise is determined by its net impact on the categories of value and the other elements of value for the enterprise is old and well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention made to that the teachings of Bowman-Amuah could have been adaptive in performing these functions. The benefit would have been to determined net impact on the different categories .

5. Claims 1-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah U.S Patent 6,332,163) in view of Subramanian et al (Hereinafter Subramanian U.S Patent 6, 546, 381.

As per claims 61-134, Bowman-Amuah discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processor in a computer to perform a data preparation method, comprising: integrating data from a variety of sources in accordance with a common schema. (See column 41 and 42 lines 5-30) and a common schema. (See column 52 line 45 and column 281 lines 50-55).

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Bowman-Amuah fails to teach using at least a portion of said data to create one or more tools for organization management and making the one or more tools available for review.

However Subramanian discloses using at least a portion of said data to create one or more tools for organization management and making the one or more tools available for review. (see column 1 lines 20-65 and column 5 lines 60-56 an column 6 and 7 lines 5-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bowman-Amuah to include using at least a portion of said data to create one or more tools for organization management and making the one or more tools available for review taught by Subramanian in order to optimize queries in a single or multiple database system in which partially or fully replicated data exist.

Conclusion  
Response to Arguments

6. Applicant 's arguments filed on 08/19/2003 are moot in view of the new grounds of rejections.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers


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for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

August 17, 2003

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,450	08/29/2001	Jeff S. Eder		5509

33042 7590 05/03/2006  
LEYDIG, VOIT & MAYER, LTD.  
(SEATTLE OFFICE)  
TWO PRUDENTIAL PLAZA  
SUITE 4900  
CHICAGO, IL 60601-6780

EXAMINER
GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/940,450

Applicant(s)

EDER, JEFF S.

Examiner

Clement B. Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on 11/24/03.

2a) ☐ This action is **FINAL**.

2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 34-52 and 62-134 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 34-52, 62-143 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION****1. Claims 34-52 and 62-134 remained pending*****Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negated by the manner in which the invention was made.

Claims 34-52, and 62-134, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah et al (Hereinafter Bowman-Amuah U.S Patent 6,332,163) in view of Ranger U.S. Patent No: 6, 301, 584.

As per claims 34-35, 41, 49, Bowman-Amuah discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processor in a computer to perform a data preparation method, comprising: integrating data(See column 41 and 42 lines 5-30).

Bowman-Amuah fail to explicitly teach from a variety of sources using xml and a common schema to support organization processing.

However Ranger discloses dynamic data collection and integration are performed during retrieval of an entity by invoking one or more agents. These agents, which comprise executable instructions, encapsulate knowledge about a particular data source, e.g. formatting information, relevant to a particular kind of object stored at the server. For example, an agent invoked for an instance of an "employee" class may query a relational database located at a company's headquarters. As another example, an agent responsible for collecting and integration about an instance of an "author" class may check a web-server for email addresses to discover a living author's email address.

Other examples of data sources include web pages, search engines, text files, operating system files, SEC filings and reports, and the like.(see column 17 lines 29-33 and 53-65) templates comprises HTML, XML, or VML.(see column 10 lines 9-23).

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bowman-Amuah to include from a variety of sources using xml and a common schema to support organization processing in order to taught by Ranger in order to collect relevant information located at a plurality of sites and stored in plurality of incompatible formats according to configurable search strategies.

As per claim 36, Bowman-Amuah discloses wherein the designated organization is a single product, a group of products, a division, a company, a multi-company corporation or a value chain. (See column 3 line 65 and column 4 line 5).

As per claim 38, Bowman-Amuah discloses the computer readable medium of claim 37 where the data structure is a hierarchy.(See column 14 line 5).

As per claim 39, Bowman-Amuah discloses the computer readable medium of claim 34 where the common schema includes a data dictionary. (See column 4 line 30).

As per claim 40, Bowman-Amuah discloses the computer readable medium of claim 39 where the data dictionary defines standard data attributes from the group consisting of account numbers, components of value, currencies, elements of value, units of measure and time periods. (See column 4 lines 30-45).

As per claim 42, Bowman-Amuah discloses the the computer readable medium of claim 34 wherein at least a portion of the data is from the Internet or an external database. (See column 42 line 45).

As per claim 43, Bowman-Amuah discloses the computer readable medium of claim 34 where the data preparation method further comprises converting data to match the common schema.(See column 4 line 55).

As per claim 44, Bowman-Amuah discloses (amended) A data preparation method, comprising:  
integrating data from a variety of systems using xml and a common schema. (See column 41and 42 lines 5-30 and column 52- lines 45 and column 281 lines 50-55).

As per claim 45, Bowman-Amuah discloses the method of claim 44 where the common schema includes an organization designation and data structure.(See column 14 line 5).

As per claim 46, Bowman-Amuah discloses the method of claim 45 wherein the designated organization is a single product, a group of products, a division, a company, a multi-company corporation or a value chain. (See column 3 line 65 and column 4 line 5).

As per claim 47, Bowman-Amuah discloses the method of claim 44 where the common schema includes a data dictionary. (See column 4 line 30).

As per claim 48, Bowman-Amuah discloses the method of claim 47 where the data dictionary defines standard data attributes from the group consisting of account numbers, components of value, currencies, elements of value, units of measure and time periods. (See column 4 lines 30-45).

As per claim 50, Bowman-Amuah discloses the method of claim 44 wherein at least a portion of the data is from the Internet or external databases. (See column 42 line 45).

As per claim 51, Bowman-Amuah discloses the method of claim 44 where the data preparation method further comprises converting and storing data in accordance with the common schema.(See 48 line 50-65 and column 6 line 45).

As per claim 52, Bowman-Amuah discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processors in a plurality of computers connected via a network to perform the data preparation method of claim 44.(See column 219 lines 5-10).

4. Claims 41, 49, are rejected under 35 U.S.C. 103(a) as being unpatentable Bowman-Amuah (Hereinafter Bowman-Amuah U.S Patent 6,332,163).

As per claims 62-134, Bowman-Amuah discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processor in a computer to perform a data preparation method, comprising: integrating data(See column 41 and 42 lines 5-30).

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Bowman-Amuah fail to explicitly teach from a variety of sources in accordance with a common schema to teach using at least a portion of said data to create one or more tools for organization management and making the one or more tools available for review.

However Ranger discloses dynamic data collection and integration arc performed during retrieval of an entity by invoking one or more agents. These agents, which comprise executable instructions, encapsulate knowledge about a particular data source, e.g. formatting information, relevant to a particular kind of object stored at the server. For example, an agent invoked for an instance of an "employee" class may query a relational database located at a company's headquarters. As another example, an agent responsible for collecting and integration about an instance of an "author" class may check a web-server for email addresses to discover a living author's email address and other examples of data sources include web pages, search engines, text files, operating system files, SEC filings and reports, and the like.(see column 17 lines 29-33 and 53-65) templates comprises HTML, XML, or VML.(see column 10 lines 9-23). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bowman-Amuah to include explicitly teach from a variety of sources in accordance with a common schema to teach using at least a portion of said data to create one or more tools for organization management and making the one or more tools available for review taught by Ranger in order to collect relevant information located at a plurality of sites and stored in plurality of incompatible formats according to configurable search strategies.

### **Conclusion**

#### **Response to Arguments**

3. Applicant 's arguments filed on 11/24/2003 are moot in view of the new grounds of rejections.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

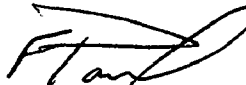
Art Unit: 3628

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

January 22, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
A43628



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,375	12/12/2001	Jeffrey Scott Eder		9951

53787 7590 09/07/2006

ASSET TRUST, INC.  
2020 MALTBY ROAD  
SUITE 7362  
BOTHELL, WA 98021

EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**Office Action Summary**

Application No.

10/012,375

Applicant(s)

EDER, JEFFREY SCOTT

Examiner

Clement B. Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Claim Rejections - 35 USC § 102*****Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 36-70, are rejected under 35 U.S.C. 102(b) as being anticipated by Ranger U.S Patent 6, 301, 584.

As per claim 36, Ranger discloses a project optimization method, comprising: obtaining an organization matrix of value, an organization matrix of risk; a plurality of organization related project specifications and a plurality of project feature data.(see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-67) identifying an impact of each feature on one or more expected project outputs; mapping the expected project outputs to the matrices of value and risk; creating a financial simulation model using said mappings and data; determining an optimal mix of project features using said model, and displaying the optimal mix using a paper document or an electronic display.(see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-67).

As per claim 37, Ranger discloses further comprises identifying an optimal mix of projects for the organization. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-67).

As per claim 38, Ranger discloses where an optimal mix is the mix that maximizes organization value while minimizing organization risk. .(see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-67).

As per claim 39, Ranger discloses where a plurality of project feature data encapsulate all the different options available for completing a project. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-67).

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As per claim 40, Ranger discloses where a plurality of project feature data identifies any options for implementing a project or a project feature at a future date. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-67).

As per claim 41, Ranger discloses where a project specification further comprises data selected from the group consisting of design data, financial data, operating factor data, commodity prices and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-67).

As per claim 42, Ranger discloses where a plurality of project specification data and feature data are obtained from databases selected from the group consisting design system database, a project financial system database, an operating factordatabase and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-67).

As per claim 43, Ranger discloses where simulation system data is optionally used to support method steps selected from the group consisting of identifying an impact of one or more project features on one or more project outputs, identifying an impact of one or more project outputs on a matrix of value, identifying an impact of one or more project outputs on a matrix of risk and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-67).

As per claim 44, Ranger discloses where an organization is a single product, a group of products, a division, a company, a multi-company corporation, a value chain or a collaborative multi-enterprise operation. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 45, Ranger discloses where an organization matrix of risk is defined by the organization segments of value and organization related risks where the segments of value are selected from the group consisting of current operation, real

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option, derivative, excess financial asset(see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65) market sentiment and combinations thereof and where the organization risks are selected from the group consisting of variability risks, market volatility risks, contingent liabilities, event risks, extreme risks, normal risks and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 46, Ranger discloses 46. (new) The method of claim 36 where an organization matrix of value is defined by one or more organization segments of value, elements of value and external factors where the one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, equipment, knowledge, information technology(see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65) intellectual property, investors, partnerships, processes, production equipment, quality, vendors, supply chains, vendor relationships, visitors and combinations thereof and where the one or more organization segments of value are current operation, real option, derivatives, excess financial assets, market sentiment and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 47, Ranger discloses where external factors are numerical indicators of conditions external to the organization, numerical indications of prices external to the organization, numerical indications of organization conditions compared to external expectations of organization condition, numerical indications of the organization performance compared to external expectations of organization performance and combinations thereof(see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 48, Ranger discloses that optionally displays an impact of the optimized feature ma on a position of the organization relative to an efficient frontier.

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(see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 49, Ranger discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform method steps for performing an project optimization method, comprising: obtaining an organization matrix of value, an organization matrix of risk; a plurality of organization related project specifications and a plurality of project feature data, identifying an impact of each feature on one or more expected project outputs(see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65) mapping the expected project outputs to the matrices of value and risk; creating a financial simulation model using said mappings and data; determining an optimal mix of project features using said model, and displaying the result using a paper document or an electronic display. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 50, Ranger discloses where the method further comprises identifying an optimal mix of projects for the organization. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 51, Ranger discloses where an optimal mix is the mix that maximizes organization value while minimizing organization risk. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 52, Ranger discloses where a plurality of project feature data encapsulate all the different options available for completing a project. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 53, Ranger discloses where a plurality of project feature data identifies any options for implementing a project or a project feature at a future date. (see column

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2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 54, Ranger discloses where a project specification further comprises data selected from the group consisting of design data, financial data, operating factor data, commodity prices and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 55, Ranger discloses where a plurality of project specification data and feature data are obtained from databases selected from the group consisting of a design system database, a project financial system database, an operating factor database and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 56, Ranger discloses where simulation system data is optionally used to support method steps selected from the group consisting of identifying an impact of one or more project features on one or more project outputs, identifying an impact of one or more project outputs on a matrix of value, identifying an impact of one or more project outputs on a matrix of risk and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 57, Ranger discloses where an organization is a single product, a group of products, a division, a company, a multi-company corporation, a value chain or a collaborative multi-enterprise operation. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 58, Ranger discloses where an organization matrix of risk is defined by the organization segments of value and organization related risks where the segments of value are selected from the group consisting of current operation, real option, derivative, excess financial asset, market sentiment and combinations thereof

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and where the organization risks are selected from the group consisting of variability risks, market volatility risks, contingent liabilities, event risks, extreme risks, normal risks and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 59, Ranger discloses where an organization matrix of value is defined by one or more organization segments of value, elements of value and external factors where the one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, equipment, knowledge(see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65) information technology, intellectual property, investors, partnerships, processes, production equipment, quality, vendors, supply chains, vendor relationships, visitors and combinations thereof and where the one or more organization segments of value are current operation, real option, derivatives, excess financial assets, market sentiment and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 60, Ranger discloses where external factors are numerical indicators of conditions external to the organization, numerical indications of prices external to the organization, numerical indications of organization conditions compared to external expectations of organization condition, numerical indications of the organization performance compared to external expectations of organization performance and combinations thereof(see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 61, Ranger discloses a project optimization apparatus, comprising: an organization matrix of value, an organization matrix of risk; a plurality of organization related project specifications and a plurality of project feature data,

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means for identifying an impact of each feature on one or more expected project outputs(see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65)

means for mapping the expected project outputs to the matrices of value and risk;

means for creating a financial simulation model using said mappings and data(see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65) means for determining an optimal mix of project features using said model, and means for displaying the optimal mix using a paper document or an electronic display. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 62, Ranger discloses that optionally displays an impact of the optimized feature mix on a position of the organization relative to an efficient frontier. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 63, Ranger discloses further comprises identifying an optimal mix of projects for the organization.

As per claim 64, Ranger discloses where an optimal mix is the ma that maximizes organization value while minimizing organization risk. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 66, Ranger discloses where a plurality of project feature data encapsulate all the different options available for completing a project. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 66, Ranger discloses where a plurality of project feature data identifies any options for implementing a project or a project feature at a future date.



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As per claim 67, Ranger discloses where a project specification further comprises data selected from the group consisting of design data, financial data, operating factor data, commodity prices and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 68, Ranger discloses where a plurality of project specification data and feature data are obtained from databases selected from the group consisting of a design system database, a project financial system database, an operating factordatabase and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 41, Ranger discloses where simulation system data is optionally used to support method steps selected from the group consisting of identifying an impact of one or more project features on one or more project outputs, identifying an impact of one or more project outputs on a matrix of value, identifying an impact of one or more project outputs on a matrix of risk and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 70, Ranger discloses where an organization matrix of risk is defined by the organization segments of value and organization related risks where the segments of value are selected from the group consisting of current operation, real option, derivative, excess financial asset market sentiment and (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65) combinations thereof and where the organization risks are selected from the group consisting of variability risks, market volatility risks, contingent liabilities, event risks, extreme risks, normal risks and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

### Conclusion

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3. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Eder (US 2001/0034686 A 1) teaches method of and system for defining and measuring the real options of a commercial enterprise.

Sandretto (US PATENT: 5, 812, 988) teaches method and system for jointly of estimating cash flows simulated returns risk measures and present values for a plurality of assets.

Horsfall (US Patent 2003/0083973 A1) teaches electronic trading system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

August 31, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
AK 3628

<b>Notice of References Cited</b>	Application/Control No. 10/012,375	Applicant(s)/Patent Under Reexamination EDER, JEFFREY SCOTT	
	Examiner Clement B. Graham	Art Unit 3628	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,301,584	10-2001	Ranger, Denis	707/103R
*	B	US-2001/0034686	10-2001	Eder, Jeff Scott	705/36
*	C	US-5,812,988	09-1998	Sandretto, Michael J.	705/36R
*	D	US-2003/0083973	05-2003	Horsfall, Peter R.	705/37
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

# Index of Claims



Application/Control No.

10/012,375

Examiner

Clement B. Graham

Applicant(s)/Patent under  
Reexamination

EDER, JEFFREY SCOTT

Art Unit

3628

✓	Rejected
=	Allowed

—	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim	Date									
Final	Original	8/29/06								
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**Search Notes**

Application/Control No.

10/012,375

Examiner

Clement B. Graham

Applicant(s)/Patent under  
Reexamination

EDER, JEFFREY SCOTT

Art Unit

3628

**SEARCHED**

Class	Subclass	Date	Examiner
707	103	8/27/2006	CG
707	505	8/28/2006	CG
705	38	8/29/2006	CG

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
See attached west search notes	8/19/2006	CG

**Search Notes**

Application/Control No.

10/012,375

Examiner

Clement B. Graham

Applicant(s)/Patent under  
Reexamination

EDER, JEFFREY SCOTT

Art Unit

3692

**SEARCHED**

Class	Subclass	Date	Examiner
705	37	2/14/2007	CG
705	1	2/15/2007	CG
705	10	2/16/2007	CG

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
See attached west search notes	2/17/2007	CG



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,375	12/12/2001	Jeffrey Scott Eder		9951

53787 7590 02/27/2007  
ASSET TRUST, INC.  
2020 MALTBY ROAD  
SUITE 7362  
BOTHELL, WA 98021

EXAMINER
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GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/012,375

Applicant(s)

EDER, JEFFREY SCOTT

Examiner

Clement B. Graham

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 36-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_



**DETAILED ACTION**  
**Claim Rejections - 35 USC § 101**

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 49, 61, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claims recites "creating", and "determining", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

***Claim Rejections - 35 USC § 112***

- 2 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 49, and 61, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 1, 49, and 61, recites the words ["organization related project specifications "].

However this language fails to distinctly claim Applicant's invention because the scope of the claim is unclear. Moreover the specification fails to clarify, the meaning of the limitation.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

- 3 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 49, and 61, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 1, 49, and 61, recites the words [" organization matrix of, value, risk organization related project specifications and plurality of projected feature data "]. However a matrix represents a series of equations that is needed to be solved it unclear how one could identify an impact of each feature on one or more expected project output when there is non calculation being perform. For further examination, the examiner interprets the limitation in light of this 112, second rejection.

***Claim Rejections - 35 USC § 102***

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 36-70, are rejected under 35 U.S.C. 102(e) as being anticipated by Pilipovic U.S Patent 6, 456, 982.

As per claim 36, Ranger discloses a project optimization method, comprising:  
obtaining an organization matrix of value, an organization matrix of risk; a plurality of organization related project specifications and a plurality of project feature data.(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67)  
identifying an impact of each feature on one or more expected project outputs; mapping the expected project outputs to the matrices of value and risk;  
creating a financial simulation model using said mappings and data; determining an optimal mix of project features using said model, and displaying the optimal mix using a paper document or an electronic display. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 37, Ranger discloses further comprises identifying an optimal mix of projects for the organization. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 38, Ranger discloses where an optimal mix is the mix that maximizes organization value while minimizing organization risk. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 39, Ranger discloses where a plurality of project feature data encapsulate all the different options available for completing a project. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 40, Ranger discloses where a plurality of project feature data identifies any options for implementing a project or a project feature at a future date. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 41, Ranger discloses where a project specification further comprises data selected from the group consisting of design data, financial data, operating factor data, commodity prices and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 42, Ranger discloses where a plurality of project specification data and feature data are obtained from databases selected from the group consisting design system database, a project financial system database, an operating factor database and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-67).

As per claim 43, Ranger discloses where simulation system data is optionally used to support method steps selected from the group consisting of identifying an impact of one or more project features on one or more project outputs, identifying an impact of one or more project outputs on a matrix of value, identifying an impact of one or more project outputs on a matrix of risk and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 44, Ranger discloses where an organization is a single product, a group of products, a division, a company, a multi-company corporation, a value chain or a collaborative multi-enterprise operation. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 45, Ranger discloses where an organization matrix of risk is defined by the organization segments of value and organization related risks where the segments of value are

selected from the group consisting of current operation, real option, derivative, excess financial asset .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) market sentiment and combinations thereof and where the organization risks are selected from the group consisting of variability risks, market volatility risks, contingent liabilities, event risks, extreme risks, normal risks and combinations thereof. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 46, Ranger discloses where an organization matrix of value is defined by one or more organization segments of value, elements of value and external factors where the one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, equipment, knowledge, information technology .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) intellectual property, investors, partnerships, processes, production equipment, quality, vendors, supply chains, vendor relationships, visitors and combinations thereof and where the one or more organization segments of value are current operation, real option, derivatives, excess financial assets, market sentiment and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 47, Ranger discloses where external factors are numerical indicators of conditions external to the organization, numerical indications of prices external to the organization, numerical indications of organization conditions compared to external expectations of organization condition, numerical indications of the organization performance compared to external expectations of organization performance and combinations thereof .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 48, Ranger discloses that optionally displays an impact of the optimized feature ma on a position of the organization relative to an efficient frontier. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 49, Ranger discloses a program storage device readable by machine, tangibly

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embodying a program of instructions executable by a machine to perform method steps for performing an project optimization method, comprising:  
obtaining an organization matrix of value, an organization matrix of risk; a plurality of organization related project specifications and a plurality of project feature data, identifying an impact of each feature on one or more expected project outputs .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) mapping the expected project outputs to the matrices of value and risk;  
creating a financial simulation model using said mappings and data; determining an optimal mix of project features using said model, and displaying the result using a paper document or an electronic display. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 50, Ranger discloses where the method further comprises identifying an optimal mix of projects for the organization.(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 51, Ranger discloses where an optimal mix is the mix that maximizes organization value while minimizing organization risk. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 52, Ranger discloses where a plurality of project feature data encapsulate all the different options available for completing a project. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 53, Ranger discloses where a plurality of project feature data identifies any options for implementing a project or a project feature at a future date. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 54, Ranger discloses where a project specification further comprises data selected from the group consisting of design data, financial data, operating factor data, commodity prices and combinations thereof. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 55, Ranger discloses where a plurality of project specification data and feature data are obtained from databases selected from the group consisting of a design system database, a project financial system database, an operating factor database and

combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 56, Ranger discloses where simulation system data is optionally used to support method steps selected from the group consisting of identifying an impact of one or more project features on one or more project outputs, identifying an impact of one or more project outputs on a matrix of value, identifying an impact of one or more project outputs on a matrix of risk and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 57, Ranger discloses where an organization is a single product, a group of products, a division, a company, a multi-company corporation, a value chain or a collaborative multi-enterprise operation. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 58, Ranger discloses where an organization matrix of risk is defined by the organization segments of value and organization related risks where the segments of value are selected from the group consisting of current operation, real option, derivative, excess financial asset, market sentiment and combinations thereof and where the organization risks are selected from the group consisting of variability risks, market volatility risks, contingent liabilities, event risks, extreme risks, normal risks and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 59, Ranger discloses where an organization matrix of value is defined by one or more organization segments of value, elements of value and external factors where the one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, equipment, knowledge (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) information technology, intellectual property, investors, partnerships, processes, production equipment, quality, vendors, supply chains, vendor relationships, visitors and combinations thereof and where the one or more organization segments of value are current operation, real option, derivatives, excess financial assets, market sentiment and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 60, Ranger discloses where external factors are numerical indicators of conditions external to the organization, numerical indications of prices external to the organization, numerical indications of organization conditions compared to external expectations of organization condition, numerical indications of the organization performance compared to external expectations of organization performance and combinations thereof .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 61, Ranger discloses a project optimization apparatus, comprising: an organization matrix of value, an organization matrix of risk; a plurality of organization related project specifications and a plurality of project feature data, means for identifying an impact of each feature on one or more expected project outputs.(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) means for mapping the expected project outputs to the matrices of value and risk; means for creating a financial simulation model using said mappings and data.(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) means for determining an optimal mix of project features using said model, and means for displaying the optimal mix using a paper document or an electronic display.(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67). As per claim 62, Ranger discloses that optionally displays an impact of the optimized feature mix on a position of the organization relative to an efficient frontier. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 63, Ranger discloses further comprises identifying an optimal mix of projects for the organization. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 64, Ranger discloses where an optimal mix is the ma that maximizes organization value while minimizing organization risk. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 66, Ranger discloses where a plurality of project feature data encapsulate all the different options available for completing a project. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 66, Ranger discloses where a plurality of project feature data identifies any options for implementing a project or a project feature at a future date.(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 67, Ranger discloses where a project specification further comprises data selected from the group consisting of design data, financial data, operating factor data, commodity prices and combinations thereof. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 68, Ranger discloses where a plurality of project specification data and feature data are obtained from databases selected from the group consisting of a design system database, a project financial system database, an operating factor database and combinations thereof. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 41, Ranger discloses where simulation system data is optionally used to support method steps selected from the group consisting of identifying an impact of one or more project features on one or more project outputs, identifying an impact of one or more project outputs on a matrix of value, identifying an impact of one or more project outputs on a matrix of risk and combinations thereof. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 70, Ranger discloses where an organization matrix of risk is defined by the organization segments of value and organization related risks where the segments of value are selected from the group consisting of current operation, real option, derivative, excess financial asset market sentiment and .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) combinations thereof and where the organization risks are selected from the group consisting of variability risks, market volatility risks, contingent liabilities, event risks, extreme risks, normal risks and combinations thereof. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

**Conclusion**  
**RESPONSE TO ARGUMENTS**



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7. Applicant's arguments filed 12/01/2006 has been fully considered but they are moot in view of new grounds of rejections.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

February 15, 2007

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
Au 3692

<b>Notice of References Cited</b>	Application/Control No. 10/012,375	Applicant(s)/Patent Under Reexamination EDER, JEFFREY SCOTT	
	Examiner Clement B. Graham	Art Unit 3692	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,456,982	09-2002	Pilipovic, Dragana N.	705/36R
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

# Index of Claims



Application/Control No.

10/012,375

Examiner

Clement B. Graham

Applicant(s)/Patent under Reexamination

EDER, JEFFREY SCOTT

Art Unit

3692

✓	Rejected
=	Allowed

—	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date									
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,375	12/12/2001	Jeffrey Scott Eder		9951

53787 7590 08/23/2007  
ASSET TRUST, INC.  
2020 MALTBY ROAD  
SUITE 7362  
BOTHELL, WA 98021

EXAMINER
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GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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08/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/012,375	<b>Applicant(s)</b> EDER JEFF	
	<b>Examiner</b> Clement B. Graham	<b>Art Unit</b> 3692	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/25/2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 101**

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 49, 61, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claims recites "creating", and "determining", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

### ***Claim Rejections - 35 USC § 112***

- 2 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 49, and 61, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 1, 49, and 61, recites the words ["organization related project specifications "].

However this language fails to distinctly claim Applicant's invention because the scope of the claim is unclear. Moreover the specification fails to clarify, the meaning of the limitation.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

- 3 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 49, and 61, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In particular, Claims 1, 49, and 61, recites the words [" organization matrix of, value, risk organization related project specifications and plurality of projected feature data "]. However a matrix represents a series of equations that is needed to be solved it unclear how one could identify an impact of each feature on one or more expected project output when there is non calculation being perform. For further examination, the examiner interprets the limitation in light of this 112, second rejection.

***Claim Rejections - 35 USC § 102***

**Claim Rejections - 35 USC § 102**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 36-70, are rejected under 35 U.S.C. 102(e) as being anticipated by Pilipovic U.S Patent 6, 456, 982.

As per claim 36, Pilipovic discloses a project optimization method, comprising: obtaining an organization matrix of value, an organization matrix of risk; a plurality of organization related project specifications and a plurality of project feature data.(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) identifying an impact of each feature on one or more expected project outputs; mapping the expected project outputs to the matrices of value and risk; creating a financial simulation model using said mappings and data; determining an optimal mix of project features using said model, and displaying the optimal mix using a paper document or an electronic display. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 37, Pilipovic discloses further comprises identifying an optimal mix of projects for the organization. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 38, Pilipovic discloses where an optimal mix is the mix that maximizes organization value while minimizing organization risk. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

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As per claim 39, Pilipovic discloses where a plurality of project feature data encapsulate all the different options available for completing a project. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 40, Pilipovic discloses where a plurality of project feature data identifies any options for implementing a project or a project feature at a future date. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 41, Pilipovic discloses where a project specification further comprises data selected from the group consisting of design data, financial data, operating factor data, commodity prices and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 42, Pilipovic discloses where a plurality of project specification data and feature data are obtained from databases selected from the group consisting design system database, a project financial system database, an operating factor database and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-67).

As per claim 43, Pilipovic discloses where simulation system data is optionally used to support method steps selected from the group consisting of identifying an impact of one or more project features on one or more project outputs, identifying an impact of one or more project outputs on a matrix of value, identifying an impact of one or more project outputs on a matrix of risk and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 44, Pilipovic discloses where an organization is a single product, a group of products, a division, a company, a multi-company corporation, a value chain or a collaborative multi-enterprise operation. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 45, Pilipovic discloses where an organization matrix of risk is defined by the organization segments of value and organization related risks where the



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segments of value are selected from the group consisting of current operation, real option, derivative, excess financial asset .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) market sentiment and combinations thereof and where the organization risks are selected from the group consisting of variability risks, market volatility risks, contingent liabilities, event risks, extreme risks, normal risks and combinations thereof. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 46, Pilipovic discloses where an organization matrix of value is defined by one or more organization segments of value, elements of value and external factors where the one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, equipment, knowledge, information technology .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) intellectual property, investors, partnerships, processes, production equipment, quality, vendors, supply chains, vendor relationships, visitors and combinations thereof and where the one or more organization segments of value are current operation, real option, derivatives, excess financial assets, market sentiment and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 47, Pilipovic discloses where external factors are numerical indicators of conditions external to the organization, numerical indications of prices external to the organization, numerical indications of organization conditions compared to external expectations of organization condition, numerical indications of the organization performance compared to external expectations of organization performance and combinations thereof .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 48, Pilipovic discloses that optionally displays an impact of the optimized feature ma on a position of the organization relative to an efficient frontier. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

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As per claim 49, Pilipovic discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform method steps for performing an project optimization method, comprising: obtaining an organization matrix of value, an organization matrix of risk; a plurality of organization related project specifications and a plurality of project feature data, identifying an impact of each feature on one or more expected project outputs .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) mapping the expected project outputs to the matrices of value and risk, creating a financial simulation model using said mappings and data; determining an optimal mix of project features using said model, and displaying the result using a paper document or an electronic display. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 50, Pilipovic discloses where the method further comprises identifying an optimal mix of projects for the organization.(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 51, Pilipovic discloses where an optimal mix is the mix that maximizes organization value while minimizing organization risk. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 52, Pilipovic discloses where a plurality of project feature data encapsulate all the different options available for completing a project. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 53, Pilipovic discloses where a plurality of project feature data identifies any options for implementing a project or a project feature at a future date. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 54, Pilipovic discloses where a project specification further comprises data selected from the group consisting of design data, financial data, operating factor data, commodity prices and combinations thereof. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

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As per claim 55, Pilipovic discloses where a plurality of project specification data and feature data are obtained from databases selected from the group consisting of a design system database, a project financial system database, an operating factor database and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 56, Pilipovic discloses where simulation system data is optionally used to support method steps selected from the group consisting of identifying an impact of one or more project features on one or more project outputs, identifying an impact of one or more project outputs on a matrix of value, identifying an impact of one or more project outputs on a matrix of risk and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 57, Pilipovic discloses where an organization is a single product, a group of products, a division, a company, a multi-company corporation, a value chain or a collaborative multi-enterprise operation. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 58, Pilipovic discloses where an organization matrix of risk is defined by the organization segments of value and organization related risks where the segments of value are selected from the group consisting of current operation, real option, derivative, excess financial asset, market sentiment and combinations thereof and where the organization risks are selected from the group consisting of variability risks, market volatility risks, contingent liabilities, event risks, extreme risks, normal risks and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 59, Pilipovic discloses where an organization matrix of value is defined by one or more organization segments of value, elements of value and external factors where the one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, equipment, knowledge (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) information

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technology, intellectual property, investors, partnerships, processes, production equipment, quality, vendors, supply chains, vendor relationships, visitors and combinations thereof and where the one or more organization segments of value are current operation, real option, derivatives, excess financial assets, market sentiment and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 60, Pilipovic discloses where external factors are numerical indicators of conditions external to the organization, numerical indications of prices external to the organization, numerical indications of organization conditions compared to external expectations of organization condition, numerical indications of the organization performance compared to external expectations of organization performance and combinations thereof (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 61, Pilipovic discloses a project optimization apparatus, comprising: an organization matrix of value, an organization matrix of risk; a plurality of organization related project specifications and a plurality of project feature data, means for identifying an impact of each feature on one or more expected project outputs (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) means for mapping the expected project outputs to the matrices of value and risk; means for creating a financial simulation model using said mappings and data (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) means for determining an optimal mix of project features using said model, and means for displaying the optimal mix using a paper document or an electronic display (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 62, Pilipovic discloses that optionally displays an impact of the optimized feature mix on a position of the organization relative to an efficient frontier. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

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As per claim 63, Pilipovic discloses further comprises identifying an optimal mix of projects for the organization. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 64, Pilipovic discloses where an optimal mix is the ma that maximizes organization value while minimizing organization risk. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 66, Pilipovic discloses where a plurality of project feature data encapsulate all the different options available for completing a project. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 66, Pilipovic discloses where a plurality of project feature data identifies any options for implementing a project or a project feature at a future date.(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 67, Pilipovic discloses where a project specification further comprises data selected from the group consisting of design data, financial data, operating factor data, commodity prices and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 68, Pilipovic discloses where a plurality of project specification data and feature data are obtained from databases selected from the group consisting of a design system database, a project financial system database, an operating factor database and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 41, Pilipovic discloses where simulation system data is optionally used to support method steps selected from the group consisting of identifying an impact of one or more project features on one or more project outputs, identifying an impact of one or more project outputs on a matrix of value, identifying an impact of one or more project outputs on a matrix of risk and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 70, Pilipovic discloses where an organization matrix of risk is defined by the organization segments of value and organization related risks where the segments of value are selected from the group consisting of current operation, real option, derivative, excess financial asset market sentiment and .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) combinations thereof and where the organization risks are selected from the group consisting of variability risks, market volatility risks, contingent liabilities, event risks, extreme risks, normal risks and combinations thereof. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

### **Conclusion**

### **RESPONSE TO ARGUMENTS**

7. Applicant's arguments filed 12/01/2006 has been fully considered but they are not persuasive for the following reasons.

8. In response to Applicant's arguments that Pilipovic fail to teach or suggest" missing elements of the claims and provides insufficient detail regarding elements and features an organization matrix of value, an organization matrix of risk and/or project feature data and lacks detail regarding an organization matrix of value, an organization matrix of risk and/or project transfer feature data and any alleged inherency of an organization matrix of value, an organization matrix of risk and/or project transfer feature data has not been explained. The Examiner disagrees with Applicant because the limitation were addressed as stated.

Pilipovic discloses obtaining an organization matrix of value, an organization matrix of risk; a plurality of organization related project specifications and a plurality of project feature data see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67 identifying an impact of each feature on one or more expected project outputs; mapping the expected project outputs to the matrices of value and risk, creating a financial simulation model using said mappings and data; determining an optimal mix of project features using said model, and displaying the optimal mix using a paper document or an electronic display and where an organization matrix of value is defined by one or more organization segments of value, elements of

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value and external factors where the one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, equipment, knowledge, information technology see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67 intellectual property, investors, partnerships, processes, production equipment, quality, vendors, supply chains, vendor relationships, visitors and combinations thereof and where the one or more organization segments of value are current operation, real option, derivatives, excess financial assets, market sentiment and combinations thereof and a plurality of organization related project specifications and a plurality of project feature data, means for identifying an impact of each feature on one or more expected project outputs.(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67 means for mapping the expected project outputs to the matrices of value and risk; means for creating a financial simulation model using said mappings and data.(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67 means for determining an optimal mix of project features using said model, and means for displaying the optimal mix using a paper document or an electronic display. see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67.

Therefore it is inherently clear that that Applicant's claimed limitations were addressed within the teachings of Pilipovic.

Further it is responsibility to Applicant's to explicitly point out what Pilipovic fail to teach instead of generalizing by using statements such as, prior art is missing elements of the claims and it insufficient detail regarding elements and features of the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6795. The fax phone numbers


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for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Aug 11, 2007

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
Au 3692



**Search Notes**

Application/Control No.

10/012,375

Examiner

Clement B. Graham

Applicant(s)/Patent under  
Reexamination

EDER, JEFFREY SCOTT

Art Unit

3692

**SEARCHED**

Class	Subclass	Date	Examiner
705	37	8/1/2007	CG
705	1	8/2/2007	CG
705	10	8/3/2007	CG

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
See attached west search notes	8/8/2007	CG

# Index of Claims



Application/Control No.

10/012,375

Examiner

Clement B. Graham

Applicant(s)/Patent under  
Reexamination

EDER, JEFFREY SCOTT

Art Unit

3692

✓	Rejected
=	Allowed

—	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
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A	Appeal
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Claim		Date											
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,375	12/12/2001	Jeffrey Scott Eder		9951

53787 7590 02/25/2008  
ASSET TRUST, INC.  
2020 MALTBY ROAD  
SUITE 7362  
BOTHELL, WA 98021

EXAMINER

GRAHAM, CLEMENT B

ART UNIT PAPER NUMBER

3692

MAIL DATE DELIVERY MODE

02/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/012,375

Applicant(s)

EDER, JEFFREY SCOTT

Examiner

CLEMENT B. GRAHAM

Art Unit

3692

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 36 and 70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 101**

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 49, 61, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claims recites "creating", and "determining", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

2. Claims 36-70 remained pending in this Application.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 49, and 61, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 1, 49, and 61, recites the words ["organization matrix of, value, risk organization matrix of risk format, related project specifications and plurality of projected feature data "].

However a matrix represents a series of equations that is needed to be solved it unclear how one could identify an impact of each feature on one or more expected project output when there is non calculation being perform. For further examination, the examiner interprets the limitation in light of this 112, second rejection.

### ***Claim Rejections - 35 USC § 103***

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 36-70, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pilipovic U.S. Patent 6, 456, 982 in view of Bonabeau U.S. Pub: 2001/0053991A1.

As per claim 36, Pilipovic discloses a computer implemented project optimization method, comprising:

preparing transaction data related to a commercial enterprise for use in processing,.  
identifying a portion of said data that correlates with market value changes, (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67)

creating a computational model of financial performance that supports an analysis of an impact of one or more project outputs on a market value and a risk for an organization by an element of value, an external factor and a segment of value matrix of risk by analyzing the identified data; (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) obtaining..a plurality of organization related project specifications and a plurality of project feature data, and identifying an impact of each feature on one or more expected project outputs (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

Pilipovic fail to explicitly teach mapping the expected project outputs to the model of financial performance creating a financial simulation model using said mappings and data; determining an optimal mix of project features using said model, and displaying the optimal mix using a paper document or an electronic display that optionally displays the optimal mix in an organization matrix of value and an organization matrix of risk format where the the computational model of financial performance analyzes the portfolio effect associated with organization risks.

However Bonabeau discloses FIG. 2 illustrates further details of business models described in the preferred modular manner. Here, a simplest instance of a preferred business model is model 10 including a single VP building block, a single RM building block, and a single OA building block. This model as is also preferred, has an attached performance model illustrated here as financial model 11. Generally, performance models include at least one or more variables representing information useful for evaluating the chosen business-model fitness or selection criteria. The information represented may relate, for example, to a current status of the business model, or to running averages of previously current statuses, or to other measures of the time variability of the business model, or so forth. These variables may be updated during the simulation of the business model according to the business-model building blocks. For example, gross revenue may be obtained from the RM and VP building blocks; costs from the OA building block; and revenue by routine calculation. (see paragraphs 0025-0027, 0049, 0085-0086).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Pilipovic to include mapping the expected project outputs to the model of financial performance creating a financial simulation model using said mappings and data; determining an optimal mix of project features using said model, and displaying the optimal mix using a paper document or an electronic display that optionally displays the optimal mix in an organization matrix of value and an organization matrix of risk format where the the computational model of financial performance analyzes the portfolio effect associated with organization risks taught by Bonabeau in order to describe existing businesses with corresponding business models, simulates the business models to determine their performances, selects one or more of the business models having optimal performance values, and transforms the selected business models to create new businesses.

As per cy the teachings of aim 37, Pilipovic discloses further comprises identifying an optimal mix of projects for the organization. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 38, Pilipovic discloses where an optimal mix is the mix that maximizes organization value while minimizing organization risk. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 39, Pilipovic discloses where a plurality of project feature data encapsulate all the different options available for completing a project. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 40, Pilipovic discloses where a plurality of project feature data identifies any options for implementing a project or a project feature at a future date. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 41, Pilipovic discloses where a project specification further comprises data selected from the group consisting of design data, financial data, operating factor data, commodity prices and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 42, Pilipovic discloses where a plurality of project specification data and feature data are obtained from databases selected from the group consisting design system database, a project financial system database, an operating factor database and combinations thereof. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-67).

As per claim 43, Pilipovic discloses where simulation system data is optionally used to support method steps selected from the group consisting of identifying an impact of one or more project features on one or more project outputs, identifying an impact of one or more project outputs on a matrix of value, identifying an impact of one or more project outputs on a matrix of risk and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 44, Pilipovic discloses where an organization is a single product, a group of products, a division, a company, a multi-company corporation, a value chain or



a collaborative multi-enterprise operation. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 45, Pilipovic discloses where an organization matrix of risk is defined by the organization segments of value and organization related risks where the segments of value are selected from the group consisting of current operation, real option, derivative, excess financial asset (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) market sentiment and combinations thereof and where the organization risks are selected from the group consisting of variability risks, market volatility risks, contingent liabilities, event risks, extreme risks, normal risks and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 46, Pilipovic discloses where an organization matrix of value is defined by one or more organization segments of value, elements of value and external factors where the one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, equipment, knowledge, information technology (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) intellectual property, investors, partnerships, processes, production equipment, quality, vendors, supply chains, vendor relationships, visitors and combinations thereof and where the one or more organization segments of value are current operation, real option, derivatives, excess financial assets, market sentiment and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 47, Pilipovic discloses where external factors are numerical indicators of conditions external to the organization, numerical indications of prices external to the organization, numerical indications of organization conditions compared to external expectations of organization condition, numerical indications of the organization performance compared to external expectations of organization performance and combinations thereof (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 48, Pilipovic discloses that optionally displays an impact of the optimized feature ma on a position of the organization relative to an efficient frontier. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 49, Pilipovic discloses a 49. (currently amended) A program storage device readable by a computer tangibly embodying a program of instructions executable by a computer machine to perform an project optimization method, comprising: obtaining a computational model of financial performance that supports an analysis of an impact of one or more project outputs on a market value and a risk for an organization by an element of value and a segment of value one or more organization related project specifications and a plurality of project feature data, identifying an impact of each feature on one or more expected project outputs. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

Pilipovic fail to explicitly teach mapping the expected project outputs to the model of financial performance creating a financial simulation model using said mappings and data; determining an optimal mix of project features using said model, and displaying the result using a paper document or an electronic display that optionally display results in an organization matrix of value and an organization matrix of risk format.

However Bonabeau discloses FIG. 2 illustrates further details of business models described in the preferred modular manner. Here, a simplest instance of a preferred business model is model 10 including a single VP building block, a single RM building block, and a single OA building block. This model as is also preferred, has an attached performance model illustrated here as financial model 11. Generally, performance models include at least one or more variables representing information useful for evaluating the chosen business-model fitness or selection criteria. The information represented may relate, for example, to a current status of the business model, or to

running averages of previously current statuses, or to other measures of the time variability of the business model, or so forth. These variables may be updated during the simulation of the business model according to the business-model building blocks. For example, gross revenue may be obtained from the RM and VP building blocks; costs from the OA building block; and revenue by routine calculation. (see paragraphs 0025-0027, 0049, 0085-0086).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Pilipovic to include mapping the expected project outputs to the model of financial performance creating a financial simulation model using said mappings and data; determining an optimal mix of project features using said model, and displaying the result using a paper document or an electronic display that optionally display results in an organization matrix of value and an organization matrix of risk format taught by Bonabeau in order to describe existing businesses with corresponding business models, simulates the business models to determine their performances, selects one or more of the business models having optimal performance values, and transforms the selected business models to create new businesses.

As per claim 50, Pilipovic discloses where the method further comprises identifying an optimal mix of projects for the organization.(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 51, Pilipovic discloses where an optimal mix is the mix that maximizes organization value while minimizing organization risk. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 52, Pilipovic discloses where a plurality of project feature data encapsulate all the different options available for completing a project. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 53, Pilipovic discloses where a plurality of project feature data identifies any options for implementing a project or a project feature at a future date.

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(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 54, Pilipovic discloses where a project specification further comprises data selected from the group consisting of design data, financial data, operating factor data, commodity prices and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 55, Pilipovic discloses where a plurality of project specification data and feature data are obtained from databases selected from the group consisting of a design system database, a project financial system database, an operating factor database and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 56, Pilipovic discloses where simulation system data is optionally used to support method steps selected from the group consisting of identifying an impact of one or more project features on one or more project outputs, identifying an impact of one or more project outputs on a matrix of value, identifying an impact of one or more project outputs on a matrix of risk and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 57, Pilipovic discloses where an organization is a single product, a group of products, a division, a company, a multi-company corporation, a value chain or a collaborative multi-enterprise operation. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 58, Pilipovic discloses where an organization matrix of risk is defined by the organization segments of value and organization related risks where the segments of value are selected from the group consisting of current operation, real option, derivative, excess financial asset, market sentiment and combinations thereof and where the organization risks are selected from the group consisting of variability risks, market volatility risks, contingent liabilities, event risks, extreme risks, normal risks and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 59, Pilipovic discloses where an organization matrix of value is defined by one or more organization segments of value, elements of value and external factors where the one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, equipment, knowledge .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) information technology, intellectual property, investors, partnerships, processes, production equipment, quality, vendors, supply chains, vendor relationships, visitors and combinations thereof and where the one or more organization segments of value are current operation, real option, derivatives, excess financial assets, market sentiment and combinations thereof. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 60, Pilipovic discloses where external factors are numerical indicators of conditions external to the organization, numerical indications of prices external to the organization, numerical indications of organization conditions compared to external expectations of organization condition, numerical indications of the organization performance compared to external expectations of organization performance and combinations thereof .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 61, Pilipovic discloses a project optimization apparatus, comprising:  
of transactions ~stems for a commercial enterprise ....  
means for preparing transaction data related to a commercial enterprise for use in  
processin& means for identifying a portion of said data that correlates with market value  
means for creating a computational model of financial performance that supports an  
analysis of an impact of one or more ~uts on a market value and a risk for an  
organization, a plurality of one or more organization related project specifications and a  
plurality of project feature data, means for identifying an impact of each feature on one  
or more expected project outputs. .(see column 9 lines 65-67 and column 10 lines 1-67  
and column 15 lines 19-67 and column 16-21 lines 1-67).

means for mapping the expected project outputs to the computational model of financial performance means for creating a financial simulation model using said mappings and data; means for determining an optimal mix of project features using said simulation model, and means for displaying the optimal mix using a paper document or an electronic display where a matrix of risk the computational model of financial performance identifies a contribution of one or more risks to an organization risk by a segment of value~ where the computational model of financial performance analyzes the portfolio effect associated with organization risks and elements of value~ and where the computational model of financial performance a matrix of value identifies a contribution of one or more elements of value or external factors to an organization value by a segment of value.

Pilipovic fail to explicitly teach means for mapping the expected project outputs to the computational model of financial performance means for creating a financial simulation model using said mappings and data; means for determining an optimal mix of project features using said simulation model, and means for displaying the optimal mix using a paper document or an electronic display where a matrix of risk the computational model of financial performance identifies a contribution of one or more risks to an organization risk by a segment of value~ where the computational model of financial performance analyzes the portfolio effect associated with organization risks and elements of value~ and where the computational model of financial performance a matrix of value identifies a contribution of one or more elements of value or external factors to an organization value by a segment of value.

However Bonabeau discloses FIG. 2 illustrates further details of business models described in the preferred modular manner. Here, a simplest instance of a preferred business model is model 10 including a single VP building block, a single RM building block, and a single OA building block. This model as is also preferred, has an attached performance model illustrated here as financial model 11. Generally, performance models include at least one or more variables representing information useful for evaluating the chosen business-model fitness or selection criteria. The information represented may relate, for example, to a current status of the business model, or to

Art Unit: 3692

running averages of previously current statuses, or to other measures of the time variability of the business model, or so forth. These variables may be updated during the simulation of the business model according to the business-model building blocks. For example, gross revenue may be obtained from the RM and VP building blocks; costs from the OA building block; and revenue by routine calculation. (see paragraphs 0025-0027, 0049, 0085-0086).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Pilipovic to include means for mapping the expected project outputs to the computational model of financial performance means for creating a financial simulation model using said mappings and data; means for determining an optimal mix of project features using said simulation model, and means for displaying the optimal mix using a paper document or an electronic display where a matrix of risk the computational model of financial performance identifies a contribution of one or more risks to an organization risk by a segment of value~ where the computational model of financial performance analyzes the portfolio effect associated with organization risks and elements of value~ and where the computational model of financial performance a matrix of value identifies a contribution of one or more elements of value or external factors to an organization value by a segment of value taught by Bonabeau in order to describe existing businesses with corresponding business models, simulates the business models to determine their performances, selects one or more of the business models having optimal performance values, and transforms the selected business models to create new businesses.

As per claim 62, Pilipovic discloses that optionally displays an impact of the optimized feature mix on a position of the organization relative to an efficient frontier. (see column 2 lines 15-59 and column 3 lines 30-67 and column 4 lines 1-67 and column 5-18 lines 1-65).

As per claim 63, Pilipovic discloses further comprises identifying an optimal mix of projects for the organization. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 64, Pilipovic discloses where an optimal mix is the ma that maximizes organization value while minimizing organization risk. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 66, Pilipovic discloses where a plurality of project feature data encapsulate all the different options available for completing a project. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 66, Pilipovic discloses where a plurality of project feature data identifies any options for implementing a project or a project feature at a future date.(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 67, Pilipovic discloses where a project specification further comprises data selected from the group consisting of design data, financial data, operating factor data, commodity prices and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 68, Pilipovic discloses where a plurality of project specification data and feature data are obtained from databases selected from the group consisting of a design system database, a project financial system database, an operating factor database and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 41, Pilipovic discloses where simulation system data is optionally used to support method steps selected from the group consisting of identifying an impact of one or more project features on one or more project outputs, identifying an impact of one or more project outputs on a matrix of value, identifying an impact of one or more project outputs on a matrix of risk and combinations thereof. (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

As per claim 70, Pilipovic discloses where an organization matrix of risk is defined by the organization segments of value and organization related risks where the segments of value are selected from the group consisting of current operation, real



option, derivative, excess financial asset market sentiment and .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) combinations thereof and where the organization risks are selected from the group consisting of variability risks, market volatility risks, contingent liabilities, event risks, extreme risks, normal risks and combinations thereof. .(see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

### **Conclusion**

### **RESPONSE TO ARGUMENTS**

7. Applicant's arguments filed 12/01/2006 has been fully considered but they are not persuasive for the following reasons.

8. In response to Applicant's arguments that Pilipovic fail to teach or suggest" missing elements of the claims and provides insufficient detail regarding elements and features an organization matrix of value, an organization matrix of risk and/or project feature data and lacks detail regarding an organization matrix of value, an organization matrix of risk and/or project transfer feature data and any alleged inherency of an organization matrix of value, an organization matrix of risk and/or project transfer feature data has not been explained. The Examiner disagrees with Applicant because the limitation were addressed as stated.

Pilipovic teaches preparing transaction data related to a commercial enterprise for use in processing,. identifying a portion of said data that correlates with market value changes, (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) creating a computational model of financial performance that supports an analysis of an impact of one or more project outputs on a market value and a risk for an organization by an element of value, an external factor and a segment of value matrix of risk by analyzing the identified data; (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67) obtaining..a plurality of organization related project specifications and a plurality of project feature data, and identifying an impact of each feature on one or more expected project outputs (see column 9 lines 65-67 and column 10 lines 1-67 and column 15 lines 19-67 and column 16-21 lines 1-67).

However Bonabeau discloses FIG. 2 illustrates further details of business models described in the preferred modular manner. Here, a simplest instance of a preferred business model is model 10 including a single VP building block, a single RM building block, and a single OA building block. This model as is also preferred, has an attached performance model illustrated here as financial model 11. Generally, performance models include at least one or more variables representing information useful for evaluating the chosen business-model fitness or selection criteria. The information represented may relate, for example, to a current status of the business model, or to running averages of previously current statuses, or to other measures of the time variability of the business model, or so forth. These variables may be updated during the simulation of the business model according to the business-model building blocks. For example, gross revenue may be obtained from the RM and VP building blocks; costs from the OA building block; and revenue by routine calculation. (see paragraphs 0025-0027, 0049, 0085-0086).

Therefore it is obviously clear that Applicants claimed limitations were addressed within the teachings of Pilipovic and Bonabeau.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Feb 15, 2008

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*AU 3692*

**Notice of References Cited**

Application/Control No.

10/012,375

Applicant(s)/Patent Under

Reexamination

EDER, JEFFREY SCOTT

Examiner

CLEMENT B. GRAHAM

Art Unit

3692

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2001/0053991	12-2001	Bonabeau, Eric W.	705/7
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

# Office Action Summary

Application No.

10/025,794

Applicant(s)

EDER, JEFF SCOTT

Examiner

Richard C Weisberger

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. Applicant's election with traverse of the species in the reply filed on 05/04/2006 is acknowledged. The traversal is on the ground(s) that the markush groups of claims 39,41,42,44,45, and 46 are each small in number. This is not found persuasive because the claims are not claimed in proper Markush format and the searches are burdensome in that each requires separate search criteria in the non patent literature. As to the applicant's additional arguments directed to claims 44 and 45, these too are not persuasive. The examiner fails to see why the dimensionality is relevant to the species requirement. In claim 45, the applicant is requested to further elect a type of current operation segment of value.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 112***

2. Claims 35-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 35 and elsewhere, the step of **identifying an impact** of each **feature** on one or more expected process outputs is vague and indefinite. It is not clear how the claim language is carried out in the applicant's method and system. The applicant is requested to further describe this limitation.

In the claims, it is not clear how mapping the expected process outputs to the matrices of value and risk is accomplished.

In the claims it is not clear what is being simulated.

In the claims it is not clear how risk is measured and/or determined.

In the claims it is not clear how value is measured or determined.

In the claims "all the different options" is indefinite in scope. How does one determine the options?

In the claims "automated learning" is vague and indefinite. Also, how is automated learning used to develop the value and risk components.

In the claim "operating factor data" is vague and indefinite. What is the scope of operating factor data?

In the claim it is not clear how one uses simulation data to identify the impact of one or more process outputs on a matrix.

In the claims it is not clear how a real option segment of value defined the risk matrix.

In claim 45 and elsewhere, the segments of value are of improper Markush format in that the elements are not art recognized classes. (e.g., see knowledge, processes, vendor relationships).

3. This Office action has an attached requirement for information under 37 CFR 1.105. A complete reply to this Office action must include a complete reply to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

4. The closest prior art cited is considered relevant but, in view of the substantial 112nd rejections, no art rejection was applied.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached during the hours of Maxiflex.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richard C Weisberger  
Primary Examiner  
Art Unit 3624

5. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.



6. An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows:

7. Please provide copies of all user guides directed to software that embody the invention of claim 35.

8. Please provide a copy of the software embodying the invention of claim 35.

9. Please provide a copy of the software and user manuals for the 360Risk Suite product.

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

10. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

11. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is

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unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

12. This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement.

The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

Respectfully,

A handwritten signature in black ink, appearing to be 'Rich Weisberger', written over a horizontal line.

Rich Weisberger

---

James Trammel

SPE



# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,794	12/26/2001	Jeff Scott Eder		5962

53787 7590 11/14/2007  
ASSET TRUST, INC.  
2020 MALTBY ROAD  
SUITE 7362  
BOTHELL, WA 98021

EXAMINER

WEISBERGER, RICHARD C.

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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11/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/025,794

Applicant(s)

EDER, JEFF SCOTT

Examiner

Richard C. Weisberger

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 35-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 48-68 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 48-68 directed to software and lack any structural components.

### *Claim Rejections - 35 USC § 112*

Claims 35-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

They newly drafted claims in is indefinite in scope. The limitations of obtaining a model that identifies value and risk for each of the one or more elements of value, external factors and risks is vague and indefinite. As just one example, what does it mean to identify risk of an element of risk? Moreover, the scope of elements of external factors is indefinite in scope. What is the scope of external factors? External to what? Moreover, what is a external factor of for example, a plurality of organization related process specifications? What is a risk of a plurality of process feature data?

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Also, the step of identifying an impact of each process feature on one or more expected process outputs is vague as to which process it is referring to. *WHAT?* ✓

Also, the step of mapping the expected process outputs is vague and indefinite as to what process outputs the limitation is referring to. *WR* ✓

Also the computational model lacks antecedent basis. *WRONG*

Also, in the claims the portfolio effect is vague and indefinite. What is the scope of a portfolio effect? *COMPANY RISKS*

Claim 36 continues to be of improper Markush format.

In the claims, it is not clear how mapping the expected process outputs to the matrices of value and risk is accomplished. *} WRONG*

In the claims it is not clear what is being simulated. *FINANCIAL PERFORMANCE*

In the claims it is not clear how risk is measured and/or determined. *} PROCESS KNOWLEDGE*

In the claims it is not clear how value is measured or determined.

In the claims "all the different options" is indefinite in scope. How does one determine the options?

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In the claims "automated learning" is vague and indefinite. Also, how is automated learning used to develop the value and risk components.

In the claim "operating factor data" is vague and indefinite. What is the scope of operating factor data?

In the claim it is not clear how one uses simulation data to identify the impact of one or more process outputs on a matrix.

In the claims it is not clear how a real option segment of value defined the risk matrix.

In claim 45 and elsewhere, the segments of value are of improper Markush format in the at the elements are not art recognized classes. (e.g., see knowledge, processes, vendor relationships).

simulate  
from  
performance  
no  
risk  
multiple

### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3693

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C. Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached from the hours 6:30 AM to 10:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Krammer can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Richard C. Weisberger  
Primary Examiner  
Art Unit 3693





# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,794	12/26/2001	Jeff Scott Eder		5962

53787 7590 03/31/2008  
ASSET TRUST, INC.  
2020 MALTBY ROAD  
SUITE 7362  
BOTHELL, WA 98021

EXAMINER
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WEISBERGER, RICHARD C

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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03/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/025,794	<b>Applicant(s)</b> EDER, JEFF SCOTT	
	<b>Examiner</b> Richard C. Weisberger	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 35-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 36-68 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

.The insertion of material incorporated by reference into the specification and drawings of an application must be by way of an amendment to the specification or drawings. Such an amendment must be accompanied by a statement that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. Moreover, the specification makes reference to 09/994,379. This is an unrelated application. Clarification is requested.

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawing are not properly identified as new. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 101***

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In view of the amendments, the rejection under this paragraph has been withdrawn.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 36-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claims a computer implemented process optimization method, comprising:  
obtaining a computational model of organization financial performance that identifies a contribution to an organization market value and an organization risk is indefinite in scope. Is the model producing an output for both value and risk? Clarification is requested.

The further limitation for “each of one or more elements of value, external factors and risks for each of one or more segments of enterprise value, a process specifications” is vague and indefinite. It is not clear how the contribution for market value and organization risk relates to each of these elements. Clarification is requested.

The further limitation, that identifies one or more expected process outputs, a plurality of organization related transaction data and a plurality of process feature data, identifying an impact of each process feature on the process outputs is vague and indefinite. Clarification as to the meaning of this limitation is requested.

The further set of limitations is vague and indefinite:

mapping the expected process outputs (It is not clear what the outputs are) to the computational model of organization financial performance;  
creating a financial simulation model for the organization using said mappings, model and

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process data (the nature and scope of this model is unclear) ;

The applicant has requesting that an affidavit detailing the reason or reasons why the Examiner feels that extra limitations need to be added to the claims in order to describe: how mapping the expected process outputs to the matrices of value and risk is accomplished, how risk is measured and or determined, how value is measured or determined, how learning used to develop the value and risk components, and how one uses simulation data to identify the impact of one or more process outputs on a matrix and/or how a real option segment of value defined the risk matrix. The rejection under this paragraph does not necessarily require claims amendments, the applicant is encouraged to contact the examiner to address these issue.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C. Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571 272 6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3693

/Richard C Weisberger/  
Primary Examiner, Art Unit 3693

Richard C Weisberger  
Primary Examiner  
Art Unit 3693

The Assignee is hereby also requesting that an affidavit detailing the reason or reasons why the Examiner feels that extra limitations need to be added to the claims in order to describe: how mapping the expected process outputs to the matrices of value and risk is accomplished, how risk is measured and or determined, how value is measured or determined, how learning used to develop the value and risk components, how one uses simulation data to identify the impact of one or more process outputs on a matrix and/or how a real option segment of value defined the risk matrix. If the Examiner no longer feels these additions are required, then there is no need to respond to this request.

Application/Control Number: 10/025,794  
Art Unit: 3693

Page 6

<b>Notice of References Cited</b>	Application/Control No. 10/025,794	Applicant(s)/Patent Under Reexamination EDER, JEFF SCOTT	
	Examiner Richard C. Weisberger	Art Unit 3693	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,078,904	06-2000	Rebane, George J.	705/36R
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**


*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



<b>Application Number</b> 	<b>Application/Control No.</b>	<b>Applicant(s)/Patent under Reexamination</b>	
	10/025,794	EDER, JEFF SCOTT	
	<b>Examiner</b>	<b>Art Unit</b>	
	Richard C. Weisberger	3693	

**Search Notes**

Application/Control No.

10/025,794

Examiner

Richard C. Weisberger

Applicant(s)/Patent under  
Reexamination

EDER, JEFF SCOTT

Art Unit

3693

**SEARCHED**

Class	Subclass	Date	Examiner
705	35-45	3/1/2008	RW

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
East Dialog	3/1/2008	RW

## EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L3	9	mix process features options maximize value minimizing risk process application software evaluates sensitivity optimal solution external factor feature prices data analyzed normalized	US-PGPUB	AND	ON	2008/03/26 09:31
L4	15	mix process features options maximize value minimizing risk process application software evaluates sensitivity optimal solution external factor feature prices data analyzed	US-PGPUB	AND	ON	2008/03/26 09:32
L5	34	mix process features options maximize value minimizing risk process application software evaluates sensitivity optimal solution external factor feature prices data analyzed	US-PGPUB; USPAT	AND	ON	2008/03/26 09:33
L6	48	project management process features options maximize value minimizing risk process application software evaluates sensitivity optimal solution external factor feature prices data analyzed	US-PGPUB; USPAT	AND	ON	2008/03/26 09:36
L7	1	project management process features options maximize value minimizing risk process application software evaluates sensitivity optimal solution external factor feature prices data analyzed simulation.ti.	US-PGPUB; USPAT	AND	ON	2008/03/26 09:38

L8	48	project management process features options maximize value minimizing risk process application software evaluates sensitivity optimal solution external factor feature prices data analyzed	US-PGPUB; USPAT	AND	ON	2008/03/26 09:39
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**3/26/08 9:41:14 AM****C:\Documents and Settings\rweisberger\My Documents\EAST\Workspaces\linkedin.wsp**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,522	01/07/2002	Jeff Scott Eder		5105

53787 7590 02/14/2007  
ASSET TRUST, INC.  
2020 MALTBY ROAD  
SUITE 7362  
BOTHELL, WA 98021

EXAMINER
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GREIMEL, JOCELYN

ART UNIT	PAPER NUMBER
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3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/036,522	EDER, JEFF SCOTT	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jocelyn Greimel	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 39-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-76 is/are rejected.
- 7) ☒ Claim(s) 39-76 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>see attached</u> | 6) <input type="checkbox"/> Other: _____  |

Information Disclosure Statements: 02/08/05, 05/10/05, 07/05/05, 09/03/05, 10/13/05.

### **DETAILED ACTION**

1. This communication is in response to Applicant's application filed 07 January 2002; with Preliminary Amendments filed: 20 June 2003, 20 October 2003, 29 December 2003, 06 April 2005 and 20 April 2005. Claims 39-76 are pending and are presented to be examined upon their merits. Claims 1-38 have been cancelled. Claims 39, 53, 65 and 76 are independent claims.

2. Upon review of the most recent Specification submission, the subject matter of the application is related to: US Patent Application 10/747,471; US Patent 5,615,109 and US Patent 6,321,205.

### ***Claim Objections***

3. Claims 39-76 are objected to because of the following informalities: the claims have multiple typographical errors. For example, in claim 45: "one or more quantified inter-relationship" should read "one or more quantified inter-relationships" and claim 47: "system data are" should read "system data is." Applicant must review all claims for similar errors. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it



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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 45-46, 59-60, 71 and 76 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant is asked to clarify where in the specification the amended claims are discussed. Specifically, the discussion of the terms "ontology" and "rdf" is requested. These terms are interpreted as best understood by the Examiner.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 39, 53, 65 and 76 are rejected under 35 U.S.C. 112, second paragraph, for lack of antecedent basis. Claims 39, 53, 65 and 76 recite the terms: feature, transfer products, data and transfer product features. There is insufficient antecedent basis for these terms in the claims. These terms are interpreted as best understood by the Examiner. Appropriate correction in all claims is required.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 39-45, 47-48 and 50-76 are rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan (US Patent No. 6,876,992 B1).** In reference to claims 39, 53, 65 and 76, Sullivan discloses a method, computer program and apparatus including:

- a. obtaining an organization matrix of value, an organization matrix of risk; a plurality of organization related risk transfer product specifications and a plurality of risk transfer product feature data (col. 4, line 40 – col. 5, line 1+);
- b. identifying an impact of each feature on one or more risk transfer products (col. 4, line 40 – col. 5, line 1+);
- c. mapping the risk transfer products to the matrices of value and risk (col. 4, line 40 – col. 5, line 1+);
- d. creating a financial simulation model using said mappings and data (col. 4, line 40 – col. 5, line 1+);
- e. determining an optimal mix of risk transfer product features using said model, and displaying the optimal mix using a paper document or an electronic display (col. 4, line 40 – col. 5, line 1+).

10. In reference to claims 40-52, 54-64 and 66-75, Sullivan discloses a method, computer program and apparatus including:

- f. where an organization is a single product, a group of products, a division, a company, a multi-company corporation, a value chain or a collaborative multi-enterprise operation (col. 1, line 15+);
- g. further comprises identifying an optimal mix of risk transfer products for the organization (col. 1, line 15+; col. 2, line 33+; col. 22, line 7+; fig. 1, 4, 5);
- h. where an optimal mix is the mix that maximizes organization value while minimizing organization risk (col. 1, line 15+; col. 2, line 33+; col. 4, line 40+; col. 22, line 7+; fig. 1, 4, 5);
- i. where a plurality of risk transfer product feature data encapsulate all the different options available for implementing a risk transfer product (col. 1, line 15+; col. 2, line 33+; col. 4, line 40+; col. 22, line 7+; fig. 1, 4, 5);
- a. where a plurality of risk transfer product feature data identifies any options for implementing a risk transfer product or a risk transfer product feature at a future date (col. 1, line 15+; col. 2, line 33+; col. 4, line 40+; col. 5, line 1+; col. 22, line 7+; fig. 1, 4, 5);
- b. where the method further comprises: combining one or more quantified inter-relationship between one or more elements, factors and risks identified by an organization matrix of value and an organization matrix of risk with a common data dictionary to form an ontology (col. 5, line 1+);

c. where simulation system data are optionally used to support method steps selected from the group consisting of identifying an impact of one or more risk transfer product features on one or more risk transfer products, identifying an impact of one or more risk transfer products on a matrix of value, identifying an impact of one or more risk transfer products on a matrix of risk and combinations thereof (col. 1, line 15+; col. 2, line 33+; col. 4, line 40+; col. 5, line 1+; col. 9, line 25+; col. 22, line 7+; fig. 1, 4, 5);

d. where an organization matrix of risk is defined by the organization segments of value and organization related risks where the segments of value are selected from the group consisting of current operation, real option, derivative, excess financial asset, market sentiment and combinations thereof and where the organization risks are selected from the group consisting of variability risks, market volatility risks, contingent liabilities, event risks, extreme risks, normal risks and combinations thereof (col. 1, line 15+; col. 2, line 33+; col. 4, line 40+; col. 5, line 1+; col. 9, line 25+; col. 10, line 60+; col. 22, line 7+; fig. 1, 4, 5, 6);

e. where an organization matrix of value is defined by one or more organization segments of value, elements of value and external factors where the one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, equipment, knowledge, information technology, intellectual property, investors, partnerships, processes, production equipment,

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quality, vendors, supply chains, vendor relationships, visitors and combinations thereof and where the one or more organization segments of value are current operation, real option, derivatives, excess financial assets, market sentiment and combinations thereof (col. 1, line 15+; col. 2, line 33+; col. 4, line 40+; col. 5, line 1+; col. 9, line 25+; col. 10, line 60+; col. 22, line 7+; fig. 1, 4, 5, 6);

f. where external factors are numerical indicators of conditions external to the organization, numerical indications of prices external to the organization, numerical indications of organization conditions compared to external expectations of organization condition, numerical indications of the organization performance compared to external expectations of organization performance and combinations thereof (col. 1, line 15+; col. 2, line 33+; col. 4, line 40+; col. 5, line 1+; col. 9, line 25+; col. 10, line 60+; col. 22, line 7+; fig. 1, 4, 5, 6);

g. the method that optionally displays an impact of an optimized risk transfer product feature mix on a position of the organization relative to an efficient frontier (col. 1, line 15+; col. 2, line 33+; col. 4, line 40+; col. 5, line 1+; col. 9, line 25+; col. 10, line 60+; col. 22, line 7+; fig. 1, 4, 5, 6);

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. **Claims 46, 49 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Official Notice.** Sullivan discloses a method, system and apparatus for optimizing risk as described above. However, Sullivan does not disclose:

- h. where an ontology is an 'rdf' compliant ontology;
- i. where risk transfer products are selected from the group consisting of derivatives, insurance policies, swaps, swap streams, swaptions, securitized risk contracts, portfolio insurance and combinations thereof.


The Examiner takes Official Notice that 'rdf compliant' technology, a way of describing metadata, is well-known and obvious in computer linked technology using interfaces as described in Sullivan. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have used rdf technology in the computer based application of Sullivan to make the program more user-friendly. Additionally, Sullivan discloses the evaluation of risk in light of insurance companies and insurance claims (col. 9, line 26+). The Examiner takes Official Notice that risk transfer products could

Art Unit: 3693

includes those types of risk transfer products enumerated by Applicant. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have used various types of risk transfer products described by Applicant in the risk system of Sullivan because Sullivan gives a general framework which would be applicable to various types of products and would therefore make the program more user friendly because it would cover more products for the user.

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

 2/12/07  
JAMES A. KRAMER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Art Unit: 3693

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel  
Examiner, Art Unit 3693  
February 9, 2007



<b>Notice of References Cited</b>	Application/Control No. 10/036,522	Applicant(s)/Patent Under Reexamination EDER, JEFF SCOTT	
	Examiner Jocelyn Greimel	Art Unit 3693	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,876,992	04-2005	Sullivan, Anthony F.	706/47
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

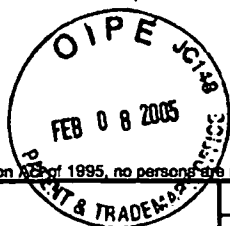
**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

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*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	10/036,522
Filing Date	1/07/2002
First Named Inventor	Jeff S. Eder
Art Unit	3624
Examiner Name	Daniel Felton
Attorney Docket Number	VM - 29

Sheet		of	
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**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
JG		KOLLER, TIMOTHY, "What is value based management", McKinsey Quarterly, 1994, Number 3	
		BROWN, CAROL; COAKLEY, JAMES; PHILLIPS, MARY ELLEN, "Neural Networks Enter World of Mgmt Accounting,	
		BIELINSKI, DANIEL, "How to sort out the premium drivers of post deal value", Mergers & Acquisitions,	
		BERGSTROM, PETER; KIMBER ELIOT, "Formal data models for SGML and HyTime", SGML, March 1999, electrum	
		HAROLD, ELLIOTTE, XML Bible, IDG Books, 1999	
		KNIGHT, JAMES, Value Based Management, McGraw Hill, 1998	
		NeuroSolutions, Application Summaries	

Examiner Signature	/Jocelyn Greimel/	Date Considered	02/12/2007
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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*(Use as many sheets as necessary)*

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Application Number	10/036,522
Filing Date	1/7/2002
First Named Inventor	Jeff S. Eder
Art Unit	3624
Examiner Name	Daniel Felten
Attorney Docket Number	VM - 29

## U. S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

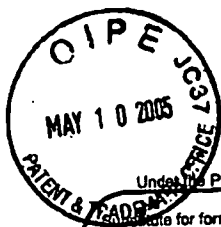
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Examiner Signature	/Jocelyn Greimel/	Date Considered	02/12/2007
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STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	10/036,522
Filing Date	1/7/2002
First Named Inventor	Jeff S. Eder
Art Unit	3624
Examiner Name	Daniel Felten
Attorney Docket Number	VM - 29

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JG	/	Anonymous, "Survey: Too Clever by Half", The Economist, January 24, 2004	/

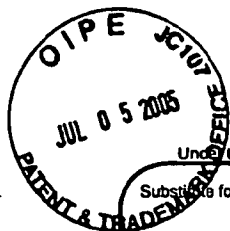
Examiner Signature	/Jocelyn Greimel/	Date Considered	02/12/2007
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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### Complete if Known

Application Number	10/036,522
Filing Date	1/07/2002
First Named Inventor	Jeff S. Eder
Art Unit	3624
Examiner Name	Daniel Felten
Attorney Docket Number	VM - 29

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JG	/	CAOQUETTE, JOHN, ALTMAN, EDWARD & NARAYANAN, PAUL, Managing Credit Risk, John Wiley and Sons, Inc.	/

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/036,522
Filing Date	1/07/2002
First Named Inventor	Jeff S. Eder
Art Unit	3624
Examiner Name	Daniel Felten
Attorney Docket Number	VM - 29

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Examiner Signature	/Jocelyn Greimel/	Date Considered	02/12/2007
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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b> Application Number 10/036,522 Filing Date 1/7/2002 First Named Inventor Jeff S. Eder Art Unit 2824 Examiner Name Daniel Felten Attorney Docket Number AR - 29	
Sheet		of	

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Examiner Signature	/Jocelyn Greimel/	Date Considered	02/12/2007
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Substitute for form 1449/PTO		<b>Complete if Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Application Number	10/036,622	
		Filing Date	1/7/2002	
		First Named Inventor	Jeff S. Eder	
		Art Unit	3624	
		Examiner Name	Daniel Felten	
Sheet		of	Attorney Docket Number	AR - 29

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Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
JG	/	CAQUETTE, JOHN, ALTMAN, EDWARD & NARAYANAN, PAUL, Managing Credit Risk, 1998, John Wiley and Sons	/
JG	/	LOHR, STEVE, "Gates tries to inspire future techies", International Herald Tribune, March 2, 2004	/

Examiner Signature	/Jocelyn Greimel/	Date Considered	02/12/2007
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Bib Data Sheet

CONFIRMATION NO. 5105

<b>SERIAL NUMBER</b> 10/036,522	<b>FILING OR 371(c) DATE</b> 01/07/2002 <b>RULE</b>	<b>CLASS</b> 705	<b>GROUP ART UNIT</b> 3693	<b>ATTORNEY DOCKET NO.</b>
<b>APPLICANTS</b> Jeff Scott Eder, Mill Creek, WA; <b>** CONTINUING DATA *****</b> <b>** FOREIGN APPLICATIONS *****</b> <i>JMS</i> <b>IF REQUIRED, FOREIGN FILING LICENSE GRANTED** SMALL ENTITY **</b> <b>** 01/30/2002</b>				
Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after met Verified and Acknowledged <i>Shumel</i> Examiner's Signature <i>JMS</i> Allowance Initials		<b>STATE OR COUNTRY</b> WA	<b>SHEETS DRAWING</b> 11	<b>TOTAL CLAIMS</b> 27
			<b>INDEPENDENT CLAIMS</b> 3	
<b>ADDRESS</b> 53787				
<b>TITLE</b> Risk optimization system				
<b>FILING FEE RECEIVED</b> 575	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit	



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10-036,522

01/07/2002

Jeff Scott Eder

5105

53787 7590 11/14/2007

ASSET TRUST, INC.  
2020 MALTBY ROAD  
SUITE 7362  
BOTHELL, WA 98021

EXAMINER

GREIMEL, JOCELYN

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

11/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/036,522	EDER, JEFF SCOTT	
	Examiner	Art Unit	
	Jocelyn Greimel	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 77-114 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 77-114 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This communication is in response to Applicant's Amendments and Remarks filed 02 May 2007, 15 May 2007, 08 June 2007, 19 July 2007 and 08 August 2007.

#### *Request for Information*

2. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the Examiner has determined is reasonably necessary to the examination of this application.

3. In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information: It appears based upon the Specification that Applicant's claimed invention is a system utilizing analytical steps used with matrices and specific software such as the Owner Value Map ® System Database. Please submit the following information regarding the software program(s). Detailed information regarding who created the software program and when the software was created. Materials such as a user's guide to the software would be helpful.

4. If relevant information regarding these items is provided in the Specification, please provide the specific page and line numbers within the disclosure which describe the claimed structure and acts (on a clean copy of the most recently amended Specification).

5. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

6. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

7. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

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8. This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of two (2) months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

#### *Status of Claims*

9. Claims 1-76 have been cancelled. Claims 77, 86, 91, 100, 103 and 111 are currently amended.

#### *Conclusion*

10. This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of two (2) months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

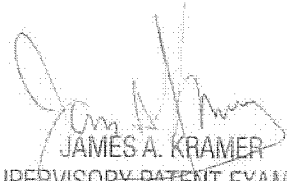
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday 8:30 AM - 4:30 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, James Kramer can be reached at (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel  
Examiner, Art Unit 3693  
October 14, 2007

  
JAMES A. KRAMER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600  
10-29-07



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/097,344	03/13/2002	Jeff Scott Eder		1092

53787 7590 02/27/2007  
ASSET TRUST, INC.  
2020 MALTBY ROAD  
SUITE 7362  
BOTHELL, WA 98021

EXAMINER
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GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/097,344	EDER, JEFF SCOTT	
	<b>Examiner</b>	<b>Art Unit</b>	
	Clement B. Graham	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 0605.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 42-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 101**

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 42, 56, 64, 70, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claims recites "identifying, displaying, quantifying, determining, combining, ", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

### ***Claim Rejections - 35 USC § 112***

- 2 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 42, 56, 64, 70, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 42, 56, 64, 70, recites the words ["aspects of enterprise value, related value, using at least part of the distributions, using at least a portion of said data, best fit models, best fit combination"].

However this language fails to distinctly claim Applicant's invention because the scope of the claim is unclear. Moreover the specification fails to clarify, the meaning of the limitations.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

#### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-82, are rejected under 35 U.S.C. 102(e) as being anticipated by Kant et al (Hereinafter Kant U.S Patent: 6, 173, 276).

As per claim 42, Kant discloses an evaluation method, comprising:  
preparing business data from a plurality of enterprise systems for use in processing, quantifying a contribution of each of one or more elements of value to aspects of enterprise value selected from the group consisting of a market value, a current operation value, one or more growth option values and combinations thereof using at least a portion of said data:  
using at least part of said contributions to determine a value of each element of value, and displaying the value of the aspects of enterprise value and the elements of value using a paper document or an electronic display.(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 43, Kant discloses where the preparing data for use in processing further comprises aggregating and storing business data in accordance with a common data dictionary that identifies attributes selected from the group consisting of components of value, elements of value, growth options, dates, currencies, units of measure and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 44, Kant discloses wherein enterprise systems are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, estimating systems intellectual property management systems. supply chain management systems, operation management systems, sales resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems.(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines

10-25) systems, channel management management systems, process systems, vendor management management systems, human payroll systems, purchasing systems, web site systems, the Internet, external databases and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 45, Kant discloses wherein elements of value are selected from the group consisting of brands, customers, employees, partnerships, vendor relationships and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 46, Kant discloses wherein quantifying an element contribution to on one or more growth options further comprises developing an option discount rate that is a function of an element of value profile. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 47, Kant discloses wherein a developing an option discount rate that is a function of an element of value profile further comprises using date envelopment analysis to determine the rate. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 48, Kant discloses wherein calculating a value for each of one or more growth options further comprises the use of a real option algorithm to complete the valuation using an option discount rate that is a function of an element of value profile. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 49, Kant discloses wherein quantifying an element of value contribution to a current operation value further comprises quantifying an element of value contribution to each of one or more components of value selected from the group consisting of revenue, expense, capital change and combinations thereof and summing said component of value contributions to determine a current operation value contribution. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 50, Kant discloses where quantifying an element of value contribution to a component of value comprises:

identifying one or more item performance indicators for each of one or more enterprise element of values using data that has been prepared for processing. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25) determining a best fit combination of item performance indicators and predictive model algorithms for modeling a plurality of element of value impacts on a component of value, deriving a weighting factor for each element of value using said best fit models: calculating a present value of the component of value; and combining the element of value weighting factors with the present value of each component of value to calculate a contribution for each element of value to the component of value. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 51, Kant discloses wherein a best fit combination of item performance indicators for each element of value further comprises a composite variable or vector when there is a low level of interaction between the elements of value or a sum of value driver impacts when there is a high level of interaction between the elements of value. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 52, Kant discloses wherein determining a best fit combination of item performance indicators and predictive model algorithms further comprises completing a tournament. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 53, Kant discloses where a predictive model algorithm is selected from the group consisting of a neural net, a Bayesian model, a generalized additive model, a multivalent model and a regression model. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 54, Kant discloses where item performance indicators are selected from the group consisting of item variables, ratios, trends, averages, patterns, time

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lagged ratios, time lagged trends, time lagged averages, time lagged variables, time lagged patterns and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 55, Kant discloses wherein a best fit combination further comprises a network model that supports automated analysis through computational techniques. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 56, Kant discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform method steps for performing an evaluation method, the method steps comprising: preparing business data from a plurality of enterprise systems for use in processing, quantifying a strength of each of one or more elements of value in driving one or more aspects of enterprise value selected from the group consisting of a market value, a current operation value, one or more growth option values and combinations thereof using at least a portion of said data. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25) using at least part of said strengths to determine a value of each element of value, and displaying the value of the aspects of enterprise value and the elements of value using a paper document or an electronic display. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 57, Kant discloses where the preparing data for use in processing further comprises integrating and storing business data in accordance with a common data dictionary that identifies attributes selected from the group consisting of components of value, elements of value, growth options, currencies, dates, units of measure and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 58, Kant discloses wherein enterprise systems are selected from the group consisting of advanced financial systems, basic financial systems, alliance

management systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 59, Kant discloses wherein elements of value are selected from the group consisting of brands, customers, employees, intellectual capital, partnerships, vendor relationships and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 60, Kant wherein quantifying an element contribution to on one or more growth options further comprises developing an option discount rate that is a function of an element of value profile. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 61, Kant discloses wherein a developing an option discount rate that is a function of an element of value profile further comprises using data envelopment analysis to determine the rate. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 62, Kant discloses wherein calculating a value for each of one or more growth options further comprises the use of a real option algorithm to complete the valuation using an option discount rate that is a function of an element of value profile. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 63, Kant discloses wherein quantifying an element contribution to a current operation value further comprises quantifying an element contribution to each of one or more components of value selected from the group consisting of revenue,

expense, capital change and combinations thereof and summing said component of value contributions to determine a current operation value contribution. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 64, Kant discloses where quantifying an element contribution to a component of value comprises:  
identifying one or more item performance indicators for each of one or more enterprise element of values using data that has been prepared for processing, determining a best fit combination of item performance indicators and predictive model algorithms for modeling a plurality of element of value impacts on a component of value.(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25) deriving a weighting factor for each element of value using said best fit models; calculating a present value of the component of value; and combining the element of value weighting factors with the present value of each component of value to calculate a contribution for each element of value to the component of value. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 65, Kant discloses wherein a best fit combination of item performance indicators for each element of value further comprises a composite variable or vector when there is a low level of interaction between the elements of value or a sum of value driver impacts when there is a high level of interaction between the elements of value. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 66, Kant discloses wherein determining a best fit combination of item performance indicators and predictive model algorithms further comprises completing a tournament. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 67, Kant discloses where a predictive model algorithm is selected from the group consisting of a neural net, a Bayesian model, a generalized additive model, a multivalent model and a regression model. (see column 1 line 10 and column



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39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 68, Kant discloses where item performance indicators are selected from the group consisting of item variables, ratios, trends, averages, patterns, time lagged ratios, time lagged trends, time lagged averages, time lagged variables, time lagged patterns and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 69, Kant discloses wherein a best fit combination further comprises a network model that supports automated analysis through computational techniques. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 70, Kant discloses an evaluation apparatus, comprising: a plurality of enterprise systems, means for aggregating and storing business data from said systems in accordance with a common schema in order to support processing, means for determining an impact of each of one or more elements of value on one or more aspects of enterprise value selected from the group consisting of a market value, a current operation value, one or more growth option values and combinations thereof using at least a portion of said data; means for using at least part of said strengths to determine a value of each element of value, and means for displaying the value of the aspects of enterprise value and the elements of value using a paper document or an electronic display. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 71, Kant discloses wherein enterprise systems are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship.(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25) management systems, channel management management systems, process systems, vendor management management systems,

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human accounts payable systems, capital asset systems, inventory systems, invoicing systems, systems, estimating systems, intellectual property management systems, supply chain management systems, operation management systems, sales resource systems, accounts receivable systems, payroll systems, purchasing systems, web site systems, the Internet, external databases and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 72, Kant discloses wherein elements of value are selected from the group consisting of brands, customers, employees, partnerships, vendor relationships and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 73, Kant discloses wherein quantifying an element contribution to one or more growth options further comprises developing an option discount rate that is a function of an element of value profile. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 74, Kant discloses wherein a developing an option discount rate that is a function of an element of value profile further comprises using date envelopment analysis to determine the rate. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 75, Kant discloses wherein calculating a value for each of one or more growth options further comprises the use of a real option algorithm to complete the valuation using an option discount rate that is a function of an element of value profile. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 75, Kant discloses wherein quantifying an element contribution to a current operation value further comprises quantifying an element contribution to each of one or more components of value selected from the group consisting of revenue, expense, capital change and combinations thereof and summing said component of value contributions to determine a current operation value contribution. (see column 1

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line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 77, Kant discloses where quantifying an element contribution to a component of value comprises:  
identifying one or more item performance indicators for each of one or more enterprise element of values using data that has been prepared for processing using a predictive model, determining a best fit combination of item performance indicators and predictive model algorithms for modeling a plurality of element of value impacts on a component of value, deriving a weighting factor for each element of value using said best fit models; calculating a present value of the component of value.(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25) and combining the element of value weighting factors with the present value of each component of value to calculate a contribution for each element of value to the component of value. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 78, Kant discloses wherein a best fit combination of item performance indicators for each element of value further comprises a composite variable or vector when there is a low level of interaction between the elements of value or a sum of value driver impacts when there is a high level of interaction between the elements of value. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 79, Kant discloses wherein determining a best fit combination of item performance indicators and predictive model algorithms further comprises completing a tournament. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 80, Kant discloses where a predictive model algorithm is selected from the group consisting of a neural net, a Bayesian model, a generalized additive model, a multivalent model and a regression model. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

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As per claim 81, Kant discloses where item performance indicators are selected from the group consisting of item variables, ratios, trends, averages, patterns, time lagged ratios, time lagged trends, time lagged averages, time lagged variables, time lagged patterns and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 82, Kant discloses wherein a best fit combination further comprises a network model that supports automated analysis through computational techniques. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

### Conclusion

6. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Walker et al (US 2001/0042785 A1 PUB) teaches method and apparatus for funds and credit line transfer.

W eichert et al (US 2004,0117302 Pub) teaches payment management.

Jones er al. et all (US Patent 6, 021, 397) teaches financial advisory system.

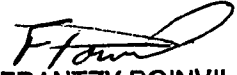
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

February 17, 2007

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*AU 3692*

<b>Notice of References Cited</b>	Application/Control No. 10/097,344		Applicant(s)/Patent Under Reexamination EDER, JEFF SCOTT	
	Examiner Clement B. Graham		Art Unit 3692	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2001/0042785	11-2001	Walker et al.	235/379
*	B	US-2004/0117302	06-2004	Weichert et al.	705/040
*	C	US-6,021,397	02-2000	Jones et al.	705/36R
*	D	US-6,173,276	01-2001	Kant et al.	706/50
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/097,344	03/13/2002	Jeff Scott Eder		1092
53787	7590	08/23/2007		
ASSET TRUST, INC. 2020 MALTBY ROAD SUITE 7362 BOTHELL, WA 98021			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT	PAPER NUMBER
			3692	
			MAIL DATE	DELIVERY MODE
			08/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/097,344	<b>Applicant(s)</b> EDER, JEFF SCOTT	
	<b>Examiner</b> Clement B. Graham	<b>Art Unit</b> 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-82 remained pending.

#### **Claim Rejections - 35 USC § 101**

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 42, 56, 64, 70, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claims recites "identifying, displaying, quantifying, determining, combining, ", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 42, 56, 64, 70, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 42, 56, 64, 70, recites the words [" aspects of enterprise value, related value, using at least part of the distributions, using at least a portion of said data, best fit models, best fit combination"].

However this language fails to distinctly claim Applicant's invention because the scope of the claim is unclear. Moreover the specification fails to clarify, the meaning of the limitations.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

#### **Claim Rejections - 35 USC § 102**



5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-82, are rejected under 35 U.S.C. 102(e) as being anticipated by Kant et al (Hereinafter Kant U.S Patent: 6, 173, 276).

As per claim 42, Kant discloses an evaluation method, comprising:  
preparing business data from a plurality of enterprise systems for use in processing, quantifying a contribution of each of one or more elements of value to aspects of enterprise value selected from the group consisting of a market value, a current operation value, one or more growth option values and combinations thereof using at least a portion of said data:  
using at least part of said contributions to determine a value of each element of value, and displaying the value of the aspects of enterprise value and the elements of value using a paper document or an electronic display.(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 43, Kant discloses where the preparing data for use in processing further comprises aggregating and storing business data in accordance with a common data dictionary that identifies attributes selected from the group consisting of components of value, elements of value, growth options, dates, currencies, units of measure and combinations thereof. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 44, Kant discloses wherein enterprise systems are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, estimating systems intellectual property management systems. supply chain management systems, operation management systems, sales resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems.(see column 1 line 10 and column 39

lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25) systems, channel management systems, process systems, vendor management systems, human payroll systems, purchasing systems, web site systems, the Internet, external databases and combinations thereof. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 45, Kant discloses wherein elements of value are selected from the group consisting of brands, customers, employees, partnerships, vendor relationships and combinations thereof. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 46, Kant discloses wherein quantifying an element contribution to on one or more growth options further comprises developing an option discount rate that is a function of an element of value profile. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 47, Kant discloses wherein a developing an option discount rate that is a function of an element of value profile further comprises using date envelopment analysis to determine the rate. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 48, Kant discloses wherein calculating a value for each of one or more growth options further comprises the use of a real option algorithm to complete the valuation using an option discount rate that is a function of an element of value profile. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 49, Kant discloses wherein quantifying an element of value contribution to a current operation value further comprises quantifying an element of value contribution to each of one or more components of value selected from the group consisting of revenue, expense, capital change and combinations thereof and summing said component of value contributions to determine a current operation value contribution. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 50, Kant discloses where quantifying an element of value contribution to a component of value comprises:

identifying one or more item performance indicators for each of one or more enterprise element of values using data that has been prepared for processing. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25) determining a best fit combination of item performance indicators and predictive model algorithms for modeling a plurality of element of value impacts on a component of value, deriving a weighting factor for each element of value using said best fit models: calculating a present value of the component of value; and combining the element of value weighting factors with the present value of each component of value to calculate a contribution for each element of value to the component of value. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 51, Kant discloses wherein a best fit combination of item performance indicators for each element of value further comprises a composite variable or vector when there is a low level of interaction between the elements of value or a sum of value driver impacts when there is a high level of interaction between the elements of value. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 52, Kant discloses wherein determining a best fit combination of item performance indicators and predictive model algorithms further comprises completing a tournament. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 53, Kant discloses where a predictive model algorithm is selected from the group consisting of a neural net, a Bayesian model, a generalized additive model, a multivalent model and a regression model. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 54, Kant discloses where item performance indicators are selected from the group consisting of item variables, ratios, trends, averages, patterns, time

lagged ratios, time lagged trends, time lagged averages, time lagged variables, time lagged patterns and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 55, Kant discloses wherein a best fit combination further comprises a network model that supports automated analysis through computational techniques. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 56, Kant discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform method steps for performing an evaluation method, the method steps comprising: preparing business data from a plurality of enterprise systems for use in processing, quantifying a strength of each of one or more elements of value in driving one or more aspects of enterprise value selected from the group consisting of a market value, a current operation value, one or more growth option values and combinations thereof using at least a portion of said data. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25) using at least part of said strengths to determine a value of each element of value, and displaying the value of the aspects of enterprise value and the elements of value using a paper document or an electronic display. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 57, Kant discloses where the preparing data for use in processing further comprises integrating and storing business data in accordance with a common data dictionary that identifies attributes selected from the group consisting of components of value, elements of value, growth options, currencies, dates, units of measure and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 58, Kant discloses wherein enterprise systems are selected from the group consisting of advanced financial systems, basic financial systems, alliance

management systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases and combinations thereof. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 59, Kant discloses wherein elements of value are selected from the group consisting of brands, customers, employees, intellectual capital, partnerships, vendor relationships and combinations thereof. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 60, Kant wherein quantifying an element contribution to on one or more growth options further comprises developing an option discount rate that is a function of an element of value profile. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 61, Kant discloses wherein a developing an option discount rate that is a function of an element of value profile further comprises using data envelopment analysis to determine the rate. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 62, Kant discloses wherein calculating a value for each of one or more growth options further comprises the use of a real option algorithm to complete the valuation using an option discount rate that is a function of an element of value profile. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 63, Kant discloses wherein quantifying an element contribution to a current operation value further comprises quantifying an element contribution to each of one or more components of value selected from the group consisting of revenue,

expense, capital change and combinations thereof and summing said component of value contributions to determine a current operation value contribution. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 64, Kant discloses where quantifying an element contribution to a component of value comprises:  
identifying one or more item performance indicators for each of one or more enterprise element of values using data that has been prepared for processing, determining a best fit combination of item performance indicators and predictive model algorithms for modeling a plurality of element of value impacts on a component of value.(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25) deriving a weighting factor for each element of value using said best fit models; calculating a present value of the component of value; and combining the element of value weighting factors with the present value of each component of value to calculate a contribution for each element of value to the component of value. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 65, Kant discloses wherein a best fit combination of item performance indicators for each element of value further comprises a composite variable or vector when there is a low level of interaction between the elements of value or a sum of value driver impacts when there is a high level of interaction between the elements of value. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 66, Kant discloses wherein determining a best fit combination of item performance indicators and predictive model algorithms further comprises completing a tournament. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 67, Kant discloses where a predictive model algorithm is selected from the group consisting of a neural net, a Bayesian model, a generalized additive model. a multivalent model and a regression model. .(see column 1 line 10 and column

39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 68, Kant discloses where item performance indicators are selected from the group consisting of item variables, ratios, trends, averages, patterns, time lagged ratios, time lagged trends, time lagged averages, time lagged variables, time lagged patterns and combinations thereof. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 69, Kant discloses wherein a best fit combination further comprises a network model that supports automated analysis through computational techniques. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 70, Kant discloses an evaluation apparatus, comprising: a plurality of enterprise systems, means for aggregating and storing business data from said systems in accordance with a common schema in order to support processing, means for determining an impact of each of one or more elements of value on one or more aspects of enterprise value selected from the group consisting of a market value, a current operation value, one or more growth option values and combinations thereof using at least a portion of said data; means for using at least part of said strengths to determine a value of each element of value, and means for displaying the value of the aspects of enterprise value and the elements of value using a paper document or an electronic display. .(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 71, Kant discloses wherein enterprise systems are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship.(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25) management systems, channel management management systems, process systems, vendor management management systems,

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human accounts payable systems, capital asset systems, inventory systems, invoicing systems, systems, estimating systems, intellectual property management systems, supply chain management systems, operation management systems, sales resource systems, accounts receivable systems, payroll systems, purchasing systems, web site systems, the Internet, external databases and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 72, Kant discloses wherein elements of value are selected from the group consisting of brands, customers, employees, partnerships, vendor relationships and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 73, Kant discloses wherein quantifying an element contribution to one or more growth options further comprises developing an option discount rate that is a function of an element of value profile. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 74, Kant discloses wherein a developing an option discount rate that is a function of an element of value profile further comprises using date envelopment analysis to determine the rate. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 75, Kant discloses wherein calculating a value for each of one or more growth options further comprises the use of a real option algorithm to complete the valuation using an option discount rate that is a function of an element of value profile. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 75, Kant discloses wherein quantifying an element contribution to a current operation value further comprises quantifying an element contribution to each of one or more components of value selected from the group consisting of revenue, expense, capital change and combinations thereof and summing said component of value contributions to determine a current operation value contribution. (see column 1



line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 77, Kant discloses where quantifying an element contribution to a component of value comprises:  
identifying one or more item performance indicators for each of one or more enterprise element of values using data that has been prepared for processing using a predictive model, determining a best fit combination of item performance indicators and predictive model algorithms for modeling a plurality of element of value impacts on a component of value, deriving a weighting factor for each element of value using said best fit models; calculating a present value of the component of value. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25) and combining the element of value weighting factors with the present value of each component of value to calculate a contribution for each element of value to the component of value. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 78, Kant discloses wherein a best fit combination of item performance indicators for each element of value further comprises a composite variable or vector when there is a low level of interaction between the elements of value or a sum of value driver impacts when there is a high level of interaction between the elements of value. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 79, Kant discloses wherein determining a best fit combination of item performance indicators and predictive model algorithms further comprises completing a tournament. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 80, Kant discloses where a predictive model algorithm is selected from the group consisting of a neural net, a Bayesian model, a generalized additive model, a multivalent model and a regression model. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 81, Kant discloses where item performance indicators are selected from the group consisting of item variables, ratios, trends, averages, patterns, time lagged ratios, time lagged trends, time lagged averages, time lagged variables, time lagged patterns and combinations thereof. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

As per claim 82, Kant discloses wherein a best fit combination further comprises a network model that supports automated analysis through computational techniques. (see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

### **Conclusion**

### **RESPONSE TO ARGUMENTS**

7. Applicant's arguments filed 5/25/07 has been fully considered but they are not persuasive for the following reasons.

8. In response to Applicant's arguments that Kant fail to teach or suggest" missing elements of the claims and insufficient detail regarding elements and features of the claims and preparing business data from a plurality of enterprise systems for use in processing, quantifying a contribution of each of one or more elements of value to aspects of enterprise value selected from the group consisting of a market value, a current operation value, one or more growth option values and combinations thereof using at least a portion of said data, using at least part of said contributions to determine a value of each element of value, and displaying the value of the aspects of enterprise value and the elements of value using a paper document or an electronic display.

Examiner disagrees with Applicant because the limitation were addressed as stated.

Kant discloses preparing business data from a plurality of enterprise systems for use in processing, quantifying a contribution of each of one or more elements of value to aspects of enterprise value selected from the group consisting of a market value, a current operation value, one or more growth option values and combinations thereof using at least a portion of said data, using at least part of said contributions to determine a value of each element of value, and displaying the value of the aspects of enterprise

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value and the elements of value using a paper document or an electronic display and wherein enterprise systems are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, estimating systems intellectual property management systems. supply chain management systems, operation management systems, sales resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems.(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25) systems, channel management management systems, process systems, vendor management systems, human payroll systems, purchasing systems, web site systems, the Internet, external databases and combinations thereof and identifying one or more item performance indicators for each of one or more enterprise element of values using data that has been prepared for processing using a predictive model, determining a best fit combination of item performance indicators and predictive model algorithms for modeling a plurality of element of value impacts on a component of value, deriving a weighting factor for each element of value using said best fit models; calculating a present value of the component of and combining the element of value weighting factors with the present value of each component of value to calculate a contribution for each element of value to the component of value and group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, estimating systems intellectual property management systems. supply chain management systems, operation management systems, sales resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems.(see column 1 line 10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25) systems, channel management systems, process systems, vendor systems, human payroll systems, purchasing systems, web site systems, the Internet, external databases and combinations thereof. .(see column 1 line

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10 and column 39 lines 45-55 and column 4 lines 25-35 and column 26 lines 25-25-40 and column 40 lines 10-25).

Therefore it is inherently clear that these limitations addressed within the teachings of Kant.

Further it is responsibility to Applicant's to explicitly point out what was not taught within the teachings instead of generalizing by using statements such as, prior art is missing elements of the claims and it insufficient detail regarding elements and features of the claims.

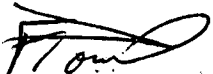
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Souh can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Aug 8, 2007

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
Au 3692

**Search Notes**

Application/Control No.

10/097,344

Examiner

Clement B. Graham

Applicant(s)/Patent under  
Reexamination

EDER, JEFF SCOTT

Art Unit

3692

**SEARCHED**

Class	Subclass	Date	Examiner
705	7	8/1/2007	CG
705	40	8/2/2007	CG
705	1	8/3/2007	CG

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
See attached west search notes	8/8/2007	CG

# Index of Claims



Application/Control No.

10/097,344

Examiner

Clement B. Graham

Applicant(s)/Patent under Reexamination

EDER, JEFF SCOTT

Art Unit

3692

✓	Rejected
=	Allowed

—	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date									
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/166,758	06/12/2002	Jeff Scott Eder		5035

53787 7590 06/26/2007  
ASSET TRUST, INC.  
2020 MALTBY ROAD  
SUITE 7362  
BOTHELL, WA 98021

EXAMINER
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KARMELEK, ALISON L

ART UNIT	PAPER NUMBER
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3623

MAIL DATE	DELIVERY MODE
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06/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/166,758

Applicant(s)

EDER, JEFF SCOTT

Examiner

Alison Karnelek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 68-130 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 68-130 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 392005, 10052005, 822005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.



### DETAILED ACTION

1. The following is a non-final, first office action upon examination of application number 10/166,758. Claims 68-130 are pending and have been examined on the merits discussed below.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 98-130 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claim 98, it recites the limitations, "means for obtaining a plurality of **facet related data**, a plurality of resource related data, a matrix of market value for organization and a **facet management frame** for said matrix; means for mapping an impact of a plurality of **facet deliverables** and a plurality of resources to the **facet management frame**; means for identifying an optimal mix of **facet features and resources** within a framework defined the matrix of market value; and means for displaying the optimal mix of **facet features and resources**." The terms facet related

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data, a facet management frame, facet deliverables, and facet features and resources are not described in the written description as originally filed. Clarification is required.

As per claims 99-108, they depend from claim 98 and are rejected for the same reasons set forth above.

As per claim 109, it recites limitation substantially similar to those of claim 98 and is rejected for the same reasons set forth above.

As per claims 110-119, they depend from claim 109 and are rejected for the same reasons set forth above.

As per claim 120, it recites limitation substantially similar to those of claim 98 and is rejected for the same reasons set forth above.

As per claims 121-130, they depend from claim 120 and are rejected for the same reasons set forth above.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 98-130 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 98, it recites the limitations, "means for obtaining a plurality of **facet related data**, a plurality of resource related data, a matrix of market value for organization and a **facet management frame** for said matrix; means for mapping an

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impact of a plurality of **facet deliverables** and a plurality of resources to the **facet management frame**; means for identifying an optimal mix of **facet features and resources** within a framework defined the matrix of market value; and means for displaying the optimal mix of **facet features and resources**.” It is unclear how the terms facet related data, facet management frame, facet deliverables and facet features and resources are to be interpreted and therefore, render the claim indefinite. For the purpose of examination the claim will be read as – An apparatus for optimizing organization performance, comprising: means for obtaining a plurality of data related to the organization, a plurality of resource related data, a matrix of market value for an organization and a management frame for said matrix, means for mapping an impact of a plurality of deliverables and a plurality of resources to the management frame; means for identifying an optimal mix of features and resources within a framework defined the matrix of market value; and means for displaying the optimal mix of features and resources.” Clarification is required.

As per claims 99-108, they depend from claim 98 and are rejected for the same reasons specified above. Further, Examiner notes the use of the term facet in claims 99-102 and 108. Clarification is required.

As per claims 109 and 120, they recite limitations substantially similar to those of claim 98 and are rejected for the same reasons set forth above. Clarification is required.

As per claims 110-119, they depend from claim 109 and are rejected for the same reasons set forth above. Further, Examiner notes the use of the term facet in claims 110-113 and 119. Clarification is required.

As per claims 121-130, they depend from claim 120 and are rejected for the same reasons set forth above. Further, Examiner notes the use of the term facet in claims 121-124 and 130. Clarification is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 68-130 are rejected under 35 U.S.C. 102(b) as being anticipated by Eder (US Patent 5,615,109).

**As per claim 68**, Eder teaches a purchasing optimization apparatus, comprising: means for obtaining a plurality of purchasing related data, a plurality of external factor prices, a matrix of market value for an organization and a buyer frame for said matrix (col. 27, lines 61-67 and col. 28 lines 1-10 teach the system, or apparatus, using information concerning purchasing, or obtaining purchasing related data, including item unit prices, order processing costs, etc., or external factor prices, and col. 38, lines 18-35 teach the user specifying the tables, or matrices, and fields where the system will

later obtain data related to accounts vendors, items, currencies, item-vendor relationships, account history, account balances, accounts receivable history, accounts receivable balances, inventory history, inventory balances, open (purchasing and/or manufacturing) order balances, vendor business-volume item price schedules, business volume discount schedules and vendor item price schedules, or a matrix of market value for an organization and a buyer frame for said matrix, seeing as vendors are included in the matrix, it must be from the buyer perspective, or frame);

Means for mapping an impact of a plurality of purchasing deliverables and a plurality of resources to the buyer frame (col. 93, lines 7-27 teaches revising a base level financial forecast to reflect the impact of the changes on base level requisitions, or purchases, meaning the impact of the purchasing deliverables and resources are mapped to the buyer frame);

Means for identifying an optimal mix of purchasing features and resources within a framework defined the matrix of market value (col. 89, line20-col. 91, lines 58 teaches determining the most profitable mix of vendors, units of measure and quantities for purchases made on a business volume commitment basis); and

Means for displaying the optimal mix of purchasing features and resources (col. 92, line 62-col 93, line 6 teaches creating a display of potential changes to the base level requisitions listed in descending capital efficiency order).

**As per claim 69**, Eder teaches a display of an optimal mix of purchasing features and resources includes a graphical display of an impact of an implementation of optimized purchasing activity on a position of the organization relative to the efficient

frontier (col. 92, lines 62-col. 93, line 27 teaches creating a display of potential changes to the base level requisitions listed in descending capital efficiency order and revising the financial forecast to reflect the impact of the changes where then the revised forecast is then displayed).

**As per claim 71**, Eder teaches mapping an impact of a plurality of purchasing deliverables and a plurality of resources to a buyer frame further comprises the use of simulation system data to represent the impact of one or more features on purchase deliverables (col. 93, lines 7-27 teaches revising a financial forecast to reflect the impact of the accepted changes to base lever requisition, meaning the finances of the purchaser are simulated using the system to represent the impact of one or more features on purchase deliverables).

**As per claim 73**, Eder teaches a matrix of market value defined by one or more elements of value, one or more external factors, one or more risks and up to five segments of value that have an impact on a value of an organization (col. 38, lines 18-35 teach tables, or a matrix, of data related to the following types of information, items, or elements of value, vendor item price schedule, or external factors, and account balances, accounts receivable balances, open order balances, or up to five segments of value that have an impact on a value of an organization. Further, col. 25, lines 20-67 teach storing TVO values, or trend, variability and obsolescence risk values in a table, or a matrix).

**As per claim 74**, Eder teaches one or more risks selected from the group consisting of variability risks, contingent liabilities, strategic risks, market volatility risks,

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event risks and combinations thereof (Further, col. 25, lines 20-67 teaches values, or trend, variability and obsolescence risk values, or market volatility risks, variability risks, and event risks).

**As per claim 75**, Eder teaches one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, equipment, knowledge, information, technology, intellectual property, investors, partnerships, processes, production equipments, quality, vendors, vendor relationships, visitors and combinations thereof (col. 38, lines 18-35 teach customers, customer groups or relationships).

**As per claim 76**, Eder teaches one or more external factors selected from the group consisting of numerical indicators of condition external to the organization, numerical indications of prices external to the organization, numerical indications of organization conditions compared to external expectation of organization condition, numerical indications of organization performance compared to external expectation of organization performance and combinations thereof (col. 38, lines 18-35 teach vendor item price schedules, or numerical indicators of condition or prices external to the organization).

**As per claim 77**, Eder teaches up to five segments of value are selected from the group consisting of current operation, derivative, investments, market sentiment, real options and combinations thereof (col. 38, lines 18-35 teach accounts, or current operation).

**As per claims 78-79, 81 and 83-87**, they recite the method of claims 68-69, 71 and 73-77. Since Eder teaches the apparatus performing the method in claims 68-69, 71 and 73-77, claims 78-79, 81 and 83-87 are rejected for the same reasons set forth above in claims 68-69, 71 and 73-77, respectively.

**As per claims 88-89, 91 and 93-97**, they recite a program storage medium having sequences of instruction stored therein which when executed cause the processor in a plurality of computers that have been connected via a network to perform the method performed by the apparatus of claims 68-69, 71 and 73-77. Since Eder teaches a program storage medium having sequences of instruction stored therein which when executed cause the processor in a plurality of computers that have been connected via a network to perform the method performed by the apparatus of claims 68-69, 71 and 73-77 (Fig. 1), claims 88-89, 91 and 93-97 are rejected for the same reasons set forth above in claims 68-69, 71 and 73-77, respectively.

**As per claim 98**, Eder teaches an apparatus for optimizing organization performance, comprising: means for obtaining a plurality of data related to the organization, a plurality of resource related data, a matrix of market value for an organization and a management frame for said matrix (col. 27, lines 61-67 and col. 28 lines 1-10 teach the system, or apparatus, using information concerning purchasing, inventory, vendors, forecasting, processing, or obtaining a plurality of data related to the organization, including item unit prices, inventory levels, etc., or resource related prices, and col. 38, lines 18-35 teach the user specifying the tables, or matrices, and fields where the system will later obtain data related to accounts vendors, items, currencies,



item-vendor relationships, account history, account balances, accounts receivable history, accounts receivable balances, inventory history, inventory balances, open (purchasing and/or manufacturing) order balances, vendor business-volume item price schedules, business volume discount schedules and vendor item price schedules, or a matrix of market value for an organization and a management frame for said matrix, seeing as balances, account information, etc. is contained in the matrix of information, meaning management perspective information or frame is portrayed);

means for mapping an impact of a plurality of deliverables and a plurality of resources to the management frame (col. 93, lines 7-27 teaches revising a base level financial forecast to reflect the impact of the changes on base level requisitions, or purchases, meaning the impact of the purchasing deliverables and resources are mapped to the management frame);

means for identifying an optimal mix of features and resources within a framework defined the matrix of market value (col. 89, line 20-col. 91, lines 58 teaches determining the most profitable mix of vendors, units of measure and quantities for purchases made on a business volume commitment basis); and

means for displaying the optimal mix of features and resources (col. 92, line 62-col 93, line 6 teaches creating a display of potential changes to the base level requisitions listed in descending capital efficiency order).

**As per claim 99**, Eder teaches a display of an optimal mix of features and resources including a graphical display of an impact of an implementation of optimized activity on a position of the organization relative to the efficient frontier (col. 92, lines 62-

col. 93, line 27 teaches creating a display of potential changes to the base level requisitions listed in descending capital efficiency order and revising the financial forecast to reflect the impact of the changes where then the revised forecast is then displayed).

**As per claim 101**, Eder teaches mapping an impact of a plurality of deliverables and a plurality of resources to a management from further comprising the use of simulation system data to represent the impact of one or more features on purchase deliverables (col. 93, lines 7-27 teaches revising a financial forecast to reflect the impact of the accepted changes to base lever requisition, meaning the finances of the purchaser are simulated using the system to represent the impact of one or more features on deliverables and resources).

**As per claim 103**, Eder teaches a matrix of market value defined by one or more elements of value, one or more external factors, one or more risks and up to five segments of value that have an impact on a value of an organization (col. 38, lines 18-35 teach tables, or a matrix, of data related to the following types of information, items, or elements of value, vendor item price schedule, or external factors, and account balances, accounts receivable balances, open order balances, or up to five segments of value that have an impact on a value of an organization. Further, col. 25, lines 20-67 teach storing TVO values, or trend, variability and obsolescence risk values in a table, or a matrix).

**As per claim 104**, Eder teaches one or more risks selected from the group consisting of variability risks, contingent liabilities, strategic risks, market volatility risks,

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event risks and combinations thereof (Further, col. 25, lines 20-67 teaches values, or trend, variability and obsolescence risk values, or market volatility risks, variability risks, and event risks).

**As per claim 105**, Eder teaches one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, equipment, knowledge, information, technology, intellectual property, investors, partnerships, processes, production equipments, quality, vendors, vendor relationships, visitors and combinations thereof (col. 38, lines 18-35 teach customers, customer groups or relationships).

**As per claim 106**, Eder teaches one or more external factors selected from the group consisting of numerical indicators of condition external to the organization, numerical indications of prices external to the organization, numerical indications of organization conditions compared to external expectation of organization condition, numerical indications of organization performance compared to external expectation of organization performance and combinations thereof (col. 38, lines 18-35 teach vendor item price schedules, or numerical indicators of condition or prices external to the organization).

**As per claim 107**, Eder teaches up to five segments of value are selected from the group consisting of current operation, derivative, investments, market sentiment, real options and combinations thereof (col. 38, lines 18-35 teach accounts, or current operation).

**As per claim 108**, Eder teaches organization performance is selected from the group consisting of alliance management, brand management, channel management, content management, contingent liability management, customer management, customer relationship management, current operation management, derivative management, employee management, employee relationship management, energy management, enterprise risk management, external factor risk management, event risk management, fraud risk management, information technology management, intellectual property management, investment management, knowledge management, market sentiment management, market risk management, market volatility management, organization management, partnership management, process management, production equipment management, product management, project management, purchasing management, real option management, technology management, total risk management, vendor management, vendor relationship management, weather risk management and combinations thereof (col. 38, lines 18-35 teach item-vendor relationship, or vendor relationship management, and various purchasing items, or purchasing management).

**As per claims 109-110, 112 and 114-119**, they recite the method of claims 98-99, 101 and 103-108. Since Eder teaches the apparatus performing the method in claims 98-99, 101 and 103-108, claims 109-110, 112 and 114-119 are rejected for the same reasons set forth above in claims 98-99, 101 and 103-108, respectively.

**As per claims 120-121, 123 and 125-130**, they recite a program storage medium having sequences of instruction stored therein which when executed cause

the processor in a plurality of computers that have been connected via a network to perform the method performed by the apparatus of claims 109-110, 112 and 114-119. Since Eder teaches a program storage medium having sequences of instruction stored therein which when executed cause the processor in a plurality of computers that have been connected via a network to perform the method performed by the apparatus of claims 109-110, 112 and 114-119 (Fig. 1), claims 120-121, 123 and 125-130 are rejected for the same reasons set forth above in claims 109-110, 112 and 114-119, respectively.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 70, 80, 90, 100, 111 and 122 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eder (US Patent 5,615,109).

**As per claim 70**, Eder teaches mapping an impact of a plurality of purchasing deliverables and a plurality of resources to a buyer frame as taught above in claim 68. However, Eder does not expressly teach the mapping comprising matching data in accordance with a pre-defined xml schema. Further Eder teaches a database management system conforming to ANSI SQL standard (col. 31, lines 36-55). Examiner takes Official Notice that mapping comprising matching data in accordance

with a pre-defined xml schema is old and well known in the art of computer programming. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include matching data in accordance with a pre-defined xml schema in order to enhance the ability of the apparatus to incorporate additional data sources, where the SQL data sources are the existing data sources.

**As per claim 80**, it recites the method performed by the apparatus in claim 70. Since Eder teaches the apparatus performing the method, claim 80 is rejected for the same reasons set forth above in claim 70.

**As per claim 90**, it recites a program storage medium having sequences of instruction stored therein which when executed cause the processor in a plurality of computers that have been connected via a network to perform the method performed by the apparatus of claim 70. Since Eder a program storage medium having sequences of instruction stored therein which when executed cause the processor in a plurality of computers that have been connected via a network to perform the method performed by the apparatus of claim 70 (Fig. 1), claim 90 is rejected for the same reasons set forth above in claim 70.

**As per claim 100**, Eder teaches mapping an impact of a plurality deliverables and a plurality of resources to a management frame as taught above in claim 98. Further Eder teaches a database management system conforming to ANSI SQL standard (col. 31, lines 36-55). Examiner takes Official Notice that mapping comprising matching data in accordance with a pre-defined xml schema is old and well known in the art of computer programming. Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to include matching data in accordance with a pre-defined xml schema in order to enhance the ability of the apparatus to incorporate additional data sources, where the SQL data sources are the existing data sources.

**As per claim 111**, it recites the method of claim 100. Since Eder teaches the apparatus performing the method in claim 100, claim 111 is rejected for the same reasons set forth above in claim 100.

**As per claim 122**, it recites a program storage medium having sequences of instruction stored therein which when executed cause the processor in a plurality of computers that have been connected via a network to perform the method performed by the apparatus of claim 100. Since Eder teaches a program storage medium having sequences of instruction stored therein which when executed cause the processor in a plurality of computers that have been connected via a network to perform the method performed by the apparatus of claim 100 (Fig. 1), claim 122 is rejected for the same reasons set forth above in claim 100.

10. Claims 72, 82, 92, 102, 113 and 124 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eder (US Patent 5,615,109) in view of Petrone et al. (US Pub. No. 2003/0069986 A1).

**As per claim 72**, Eder teaches identifying an optimal mix of purchasing feature and resources further comprising linear mixed integer optimization algorithms (col. 67,

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line 65-col. 68, line 9). However, Eder does not teach a non-linear, mixed integer optimization algorithm.

Petrone et al. teaches a non-linear, mixed integer optimization algorithm (paragraph 99). Both Eder and Petrone et al. teach optimization algorithms dealing with market systems where goods are bought and sold. Therefore, it would have been obvious to one of ordinary skill in the art to include non-linear, mixed integer optimization in the optimization algorithm of Eder in order to more accurately identify the optimal mix of purchasing features and resources using discrete and continuous variables.

**As per claim 82**, it recites the method performed by the apparatus in claim 72. Since Eder teaches the apparatus performing the method, claim 82 is rejected for the same reasons set forth above in claim 72.

**As per claim 92**, it recites a program storage medium having sequences of instruction stored therein which when executed cause the processor in a plurality of computers that have been connected via a network to perform the method performed by the apparatus of claim 72. Since Eder a program storage medium having sequences of instruction stored therein which when executed cause the processor in a plurality of computers that have been connected via a network to perform the method performed by the apparatus of claim 72 (Fig. 1), claim 92 is rejected for the same reasons set forth above in claim 72.

**As per claim 102**, Eder teaches identifying an optimal mix of features and resources further comprising linear mixed integer optimization algorithms (col. 67, line



65-col. 68, line 9). However, Eder does not teach a non-linear, mixed integer optimization algorithm.

Petrone et al. teaches a non-linear, mixed integer optimization algorithm (paragraph 99). Both Eder and Petrone et al. teach optimization algorithms dealing with market systems where goods are bought and sold. Therefore, it would have been obvious to one of ordinary skill in the art to include non-linear, mixed integer optimization in the optimization algorithm of Eder in order to more accurately identify the optimal mix of features and resources using discrete and continuous variables.

**As per claim 113**, it recites the method of claim 102. Since Eder teaches the apparatus performing the method in claim 102, claim 113 is rejected for the same reasons set forth above in claim 102.

**As per claim 124**, it recites a program storage medium having sequences of instruction stored therein which when executed cause the processor in a plurality of computers that have been connected via a network to perform the method performed by the apparatus of claim 102. Since Eder teaches a program storage medium having sequences of instruction stored therein which when executed cause the processor in a plurality of computers that have been connected via a network to perform the method performed by the apparatus of claim 102 (Fig. 1), claim 124 is rejected for the same reasons set forth above in claim 102.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Horne (US Patent 7,058,587 B1) teaches optimizing critical material planning decisions and dynamically allocating constrained materials using advances substitution logic.

Kassapoglou (US Patent 6,591,232 B1) teaches a method o selecting an optimum mix of resources to maximize an outcome while minimizing risk

Suri (US Pub. No. 2003/0055664 A1) teaches optimizing transactions involving the sale and purchase of assets through disaggregated risk analysis of the transaction using specific transaction criteria.

Dembo (US Patent 5,799,287) teaches determining an optimal replicating portfolio.

Green et al. ("Models and Heuristics for Product Line Selection," 1985) teaches finding an optimum solution for product line decisions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison Karnelek whose telephone number is (571) 272-1808. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

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		Application Number	10/166,758		
		Filing Date	6/12/2002		
		First Named Inventor	Jeff S. Eder		
		Art Unit	3628		
		Examiner Name	Debra Charles		
Sheet		of		Attorney Docket Number	AR - 33

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<i>JE</i>		CAOQUETTE, JOHN, ALTMAN, EDWARD & NARAYANAN, PAUL, Managing Credit Risk, 1998, John Wiley and Sons	
<i>JE</i>		LOHR, STEVE, "Gates tries to inspire future techies", International Herald Tribune, March 2, 2004	

Examiner Signature	<i>Debra Charles</i>	Date Considered	6/18/07
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	Art Unit	3628	
	Examiner Name	Debra Charles	
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		Anonymous, "Survey: Too Clever by Half", The Economist, January 24, 2004	

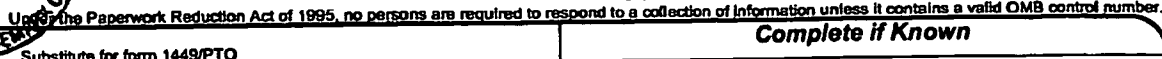
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Attorney Docket Number	VM - 33

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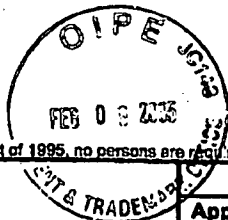
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Examiner Name	Debra Charles
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<b>Notice of References Cited</b>	Application/Control No. 10/166,758	Applicant(s)/Patent Under Reexamination EDER, JEFF SCOTT	
	Examiner Alison Karnelek	Art Unit 3623	Page 1 of 1

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,615,109	03-1997	Eder, Jeff	705/8
*	B	US-2003/0069986 A1	04-2003	Petrone et al.	709/232
*	C	US-7,058,587 B1	06-2006	Horne, Martin	705/7
*	D	US-6,591,232 B1	07-2003	Kassapoglou, Christos	703/2
*	E	US-2003/0055664 A1	03-2003	Suri, Anil	705/1
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	U	Green et al. Models and Heuristics for Product Line Selection. Marketing Science, Vol. 4, No. 1 (Winter, 1985), p. 1-19
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